

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD**

WRIT PETITION NO. 9468 OF 2015

Vaibhav s/o Mahadeo Hange
& others

.. PETITIONERS

VERSUS

The State of Maharashtra
& others

.. RESPONDENTS

Mr. V.B. Jadhav, advocate for petitioners.

Mr. V.M. Kangne, AGP for the State.

Mr. Narwadkar, advocate holding for Mr. M.V. Deshpande, advocate for respondent no. 6.

Mr. A.V. Hon, advocate for respondent no. 7.

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**CORAM : R.M. BORDE &
K. L. WADANE, JJ.**

DATE : 14th JULY, 2016.

PER COURT :

1. Petitioners claim that their case is squarely covered by the judgment delivered by Division Bench at Nagpur in Writ Petition nos. 4321/2015, 5308/2015 and 989/2016. Petitioners have been admitted to engineering course at institutional level. It is not a matter of dispute that petitioners have passed CET / NEET examination and are considered eligible for admitting to the engineering course. Petitioners belong to backward category and claim re-imbursement of fees from the State Government. The State Government, however, has denied the benefits on the ground that petitioners have not been admitted through CAP round and that their admission is at institutional level. In paragraph no. 16 of the judgment, the Division Bench has observed thus :

16. Thus, there are two distinct classes of backward class students available and State Government, depending upon its resources has extended the benefit to only one group out of them and made it eligible for grant of reimbursement. The petitioners have not pointed out that all of them constitute one class in terms for such government resolution in terms of any Constitutional or Statutory provision. It is not their contention that the State Government is duty bound to provide free education to all of them. In absence of this contention or other material on record, we find that decision of State Government of not extending the benefit of tuition fee reimbursement to those who are admitted at institute level or college level cannot be said to be violative of Article 14 of the Constitution of India. Restriction of such benefit to more meritorious backward class students is not shown to be impinging upon the rights of petitioners. Petitioners wish to procure that benefit or work out a right to it by alleging breach of Article 14.

2. In the instant matter also, petitioners are not in a position to demonstrate that the policies of the State Government are discriminatory or violative of Article 14 of the Constitution of India. It is also held in the judgment cited supra that petitioner therein failed to demonstrate that the decision of the State Government about not extending benefit of tuition fees reimbursement to those who are admitted on institutional level or college level cannot be said to be violative of Article 14 of the Constitution of India. Though the policy is held not to be discriminatory, this Court, however, permitted the petitioners therein to tender representation to the State Government and further issued directions to the State Government to consider the same within specified period. Considering the view adopted by Division Bench at Nagpur, we also permit petitioners to tender

representation to respondent no. 4 within a period of two weeks from today. If petitioners tender representation and put forth their grievance, the same shall be considered within a period of two weeks thereafter. With the directions as above, writ petition stands disposed of.

(K. L. WADANE)
JUDGE

(R. M. BORDE)
JUDGE

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