

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

WRIT PETITION NO. 10088 OF 2015

Akshay s/o Ajay Deore
age 22 years, occ. Education
r/o At Post Chaugاون,
Tq. & Dist. Dhule

.. PETITIONER

VERSUS

1. The Maharashtra University Of Health Sciences
Vani Road, Mhasrul,
Nashik 422 004
Through its Registrar

2. The K.D.M.G. Homeopathic Medical College
Nimzari Road, Shirpur, Tq. Shirpur
District Dhule
Through its Principal

.. RESPONDENTS

Mr. P.D. Bachate, advocate for petitioner.
Mr. S.B. Bhosale, advocate for respondent no. 1.

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**CORAM : R.M. BORDE &
P. R. BORA, JJ.**

DATE : 21st MARCH, 2016.

ORAL JUDGMENT : (PER R. M. BORDE, J.)

1. Heard.

2. Rule. Rule made returnable forthwith. With the consent of the parties, petition is taken up for final disposal at admission stage.

3. Petitioner is praying for issuance of directions to respondent no. 2 to accept proposal of petitioner in respect of eligibility and enrollment for the First Year BHMS course for the academic year 2014-2015 without insisting for late fees.

4. Petitioner claims that he secured admission to the respondent no.2 - college during the academic year 2014-2015 for First Year BHMS course. The college forwarded proposal for issuing eligibility and for enrollment of petitioner for First Year BHMS course during the academic year 2014-2015 to the University. The University, however, has communicated to the college that the proposal has been tendered beyond 11.12.2014 i.e. the last date prescribed for receipt of proposals, with late fees charge of Rs. 250/- per day. According to the University, the proposal was received on 07.08.2015 i.e. beyond the prescribed period and as such, late fees charges are liable to be levied. Petitioner contends that infact necessary documents were tendered to respondent no. 2 college and, it is the responsibility of the college to tender the documents to the University. In spite of issuance of notice, respondent no. 2 - college has not caused appearance and as such, contentions raised by petitioner in the instant petition remain uncontroverted. Levy of late charges at the rate of Rs. 250/- per day is in consonance with the circular issued by the University. In affidavit-in-reply tendered on behalf of the University, it is specifically stated that it was mandatory for the college to submit registration and eligibility proposal of petitioner within time. The Principal of the college for the first time i.e. on 07.08.2015 submitted letter dated 06.08.2015 together with proposal for eligibility and registration of petitioner alongwith original documents. It is thus lapse of the college which has resulted in levy of late fees at the rate of Rs. 250/- per day. In the circumstances, the college is responsible to pay the amount to the University. The student i.e. petitioner shall not be made

to suffer on account of lapses on the part of the college.

5. We, therefore, direct respondent no. 2 – college to pay requisite late fees to the University, as expeditiously as possible, preferably within a period of six weeks from today. Subject to the receipt of amount as directed, the University shall issue eligibility and enroll name of petitioner for First Year BHMS course for the academic year 2014-2015. Rule is accordingly made absolute. In the facts and circumstances of the case, there shall be no order as to costs.

(P. R. BORA)
JUDGE

(R. M. BORDE)
JUDGE

dyb