

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO. 3627 OF 2011

(The Vidarbha Medical Education and Research Foundation, Akola thr. its Secretary & Anr. vs. The State of Maharashtra thr. its Secretary, Medical Education and Drugs Department & Ors.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders or directions
and Registrar's Orders.

Court's or Judge's orders.

**CORAM : B.P. DHARMADHIKARI &
P.N. DESHMUKH, JJ.
MARCH 16, 2016.**

Heard Shri R.A. Haq, learned counsel for the petitioners, Ms. Rane, learned AGP for respondent No.1, Shri Puri, learned counsel for respondent Nos. 18, 23, 25, 26, 27, 28, 30 & 35, Shri Vyas, learned counsel for respondent Nos. 3, 4, 5, 6, 7, 9, 10, 11, 12, 29, 32, 33 & 34 and Shri Mirza, learned counsel for respondent No. 14.

Nobody appears for respondent No. 2 – Committee.

The challenge is to adjudication of fees by Respondent No. 2 for the year 2005-06.

The students who could have been subjected to fee determination have already passed out.

The petitioners fairly state that on ad-hoc basis, pending said determination, fees have been recovered from the students. Some students have paid more fees while some students have paid less.

Shri Haq, learned counsel submits that in this situation, if the students give up their demand of recovery of excess fees paid, the petition can be disposed of as

infructuous.

The respective counsel appearing for the students submit that as the students have already cleared the course and completed the education, they are also not interested in fighting out the litigation.

In the circumstances, as we find that no action to the prejudice of the petitioners is possible at the instance of any of the respondents, we dispose of the present writ petition as infructuous. However, there shall be no order as to costs.

JUDGE

JUDGE

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