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

WRIT PETITION NO.2474 OF 2017

Kum. Pratiksha d/o Anilrao Kanhe,
Age: 20 years, Occ: Education,
R/o. Shivkrupa, Dr. Hedgewar Road,
Near Shivaji Maharaj Statute,
Parbhani, Taluka and Dist. Parbhani...PETITIONER

VERSUS

1. The State of Maharashtra
through its Principal Secretary,
Medical Education & Sports
Department, Mantralaya, Mumbai.
2. The Director,
Directorate of the Medical
Education & Research, Opp. Govt.
Dental College & Hospital Building,
St. George's Hospital Compound,
Near CST Railway Station, Mumbai.
3. The Dean,
Ashwini Rural Medical College,
Hospital & Research Centre,
Kumbhari, Taluka South Solapur,
Dist. Solapur. ..RESPONDENTS

Mr Santosh S. Jadhavar, Advocate for petitioner;
Mr V.S. Badakh, A.G.P. for respondent Nos. 1 & 2

**CORAM : SHANTANU S. KEMKAR &
N.W. SAMBRE, JJ.**

DATE : 10th AUGUST, 2017

ORAL ORDER :

Feeling aggrieved by the communication (Exhibit-C), by which, the petitioner has been declared as ineligible for scheme of reimbursement of the tuition fees on the ground that income of her parents is Rs.3,04,409/- and that the bank loan has not been availed, the petitioner has filed this petition.

2. Learned Counsel for the petitioner submits that the respondents have applied Clause 2 of the Government Resolution and rejected the petitioner's claim whereas the petitioner's case will be covered under Clause 1 of Government Resolution dated 9th December, 2016 and not under Clause 2 of the Government Resolution. According to him, the reason assigned by the respondent to hold the petitioner ineligible is unsustainable.

(3)

3. Having gone through the aforesaid Government Resolution, we find that both the clauses run separately. If the petitioner has not availed the loan facility, that cannot be a ground to deny the petitioner, who is otherwise eligible for the benefit of said scheme. Clause 2 on which reliance has been placed by the learned A.G.P. is reimbursement of tuition fees, as also interest on loan amount if same is availed. In the present case, the petitioner is claiming under Clause 1 of the Government Resolution and as such, it is not necessary for the petitioner to have availed loan facility.

4. In the circumstances, in our considered view, the impugned rejection on the ground that the petitioner has not availed the loan facility cannot be sustained. Undisputedly the income of the petitioner's parents is within the upper limit for making the candidate eligible to avail the benefit of the scheme for reimbursement.

(4)

5. In the result, the writ petition deserves to be and is hereby allowed in terms of prayer clause (B).

(N.W. SAMBRE, J.)

(SHANTANU S. KEMKAR, J.)

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