

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

WRIT PETITION NO. 5757 OF 2017

Bhagyawarddhan Education Foundation
Sanchalit Nirmal Vocational Training
Centre Dhule, through its President
Dipak B. Gawali .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri D. S. Bagul, Advocate for the Petitioner.
Ms. R. P. Gaur, A.G.P. for All Respondents.

**CORAM : S. V. GANGAPURWALA AND
SANGITRAO S. PATIL, JJ.**

DATE : 04TH MAY, 2017.

PER COURT :

. Mr. Bagul, the learned counsel submits that, the petitioner had applied for starting vocational courses. The last date for paying fees was 31.01.2017. On 30.01.2017 the petitioner had approached the Treasury, however, the cash was not accepted on account of demonetization. On the very same day, the petitioner issued cheque for sum of Rs. 67,000/-. The said cheque was encashed by respondents on 01.02.2017. The proposal of the petitioner was rejected solely on the ground that the recommendation fees is not paid within stipulated period. The learned counsel submits that, even the cheque was issued prior

to the last date. It was encashed on next day i. e. one day after the last date for submitting the fees. The petitioner is not at fault.

2. The learned Assistant Government Pleader submits that, the schedule is laid down for payment of fees. As the payment of fees was not within the stipulated period, the order is correctly passed.

3. It appears from the order rejecting the proposal of the petitioner that, the proposal is rejected solely on the ground that, the fees is not paid within stipulated period.

4. Considering the contingency as stated above, that is the petitioner having approached the treasury on 30.01.2017, however, the notes being old notes because of the demonetization could not have been accepted. The petitioner issued cheque on the very day, however, it was encashed a day later. The petitioner cannot be faulted with.

5. In the light of the above, the impugned order rejecting the proposal of the petitioner solely on the ground that the fees is paid late is set aside. The respondents shall consider the proposal of the petitioner afresh, considering the amount of fees to have been paid within time. The respondents shall decide

about issuance of letter of intent on its own merits, expeditiously and preferably by 25.05.2017. The writ petition is disposed of. No costs.

[SANGITRAO S. PATIL, J.]

[S. V. GANGAPURWALA, J.]

bsb/May 17