

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

WRIT PETITION NO.7591 OF 2017

1. Gunai Shikshan Prasarak Mandal
Kawalkhed, Tq. Udgir, Dist. Latur,
through its President
Bapurao s/o Shankarrao Rathod,
Age 45 years, Occ. Agriculture,
R/o Udgir, District Latur.
2. Rajiv Gandhi Polytechnic
Gat No.84, Degloor Road,
Udgir, Tq. Udgir, Dist. Latur
through its Principal,
Ravindra Vasantryao Rajeshwarkar
Age 42 years, Occ. Service,
R/o Udgir, District Latur. ... PETITIONERS

VERSUS

1. The State of Maharashtra
through its Principal Secretary to the
Government of Maharashtra in
Higher & Technical Education
Department, Maharashtra State,
Mantralaya, Mumbai – 32
2. The Fees Regulating Authority
Maharashtra State, Mumbai
305, Govt. Polytechnic Building,
Ali Yawar Jung Marg, Bandra (East),
Mumbai – 400 051
3. The Director,
Technical Education,
Maharashtra State,
3, Mahapalika Marg,
Post Box No.1967, Mumbai

(Copies to be served on Govt. Pleader,
High Court of Judicature of Bombay,
Bench at Aurangabad) RESPONDENTS

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Shri N.P. Patil Jamalpurkar, Advocate for petitioners
Mrs. M.A. Deshpande, A.G.P. for State
Shri U.S. Malte, Advocate for respondent No.2
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CORAM: ANOOP V. MOHTA AND
 SUNIL K. KOTWAL, JJ.

DATED: 23rd June, 2017.

ORAL JUDGMENT (Per Anoop V. Mohta, J.):

1. Heard. Rule. Rule made returnable forthwith and heard finally by consent of learned counsel for the parties.

2. The petitioner institution has challenged the order passed by the Regulatory Authority of Maharashtra, Mumbai, constituted under the Maharashtra Unaided Private Professional Educational Institutions (Regulation of Admissions and Fees) Act, 2015 (for short, "Act") as the authority has no power to condone the delay in filing the review application so filed by the petitioner. We have noted the scope and purpose of the Act including the requirement of authority to fix the per student fee for the concerned year. The contents of review application, therefore, are required to be considered by the authority as early as possible, to avoid further delay in the matter. The petitioner has filed review application, as not satisfied with the fee structure so

decided by the authorities for this year, in comparison with the fee so fixed for earlier years.

3. The provisions with regard to condonation of delay is absent. Therefore, in the facts and circumstances, and in the interest of justice, we are inclined to condone the delay, if any, in filing the review. The regulating authority, therefore, is requested to decide the review application in accordance with law, as early as possible, preferably within two weeks as the admission process is already set in motion.

4. The parties to appear before the authority on 29th June 2017. The authority to deal with the same in accordance with law. Rule is made absolute in above terms.

5. Parties to act on authenticated copy of this order.
No costs.

(SUNIL K. KOTWAL)
JUDGE

(ANOOP V. MOHTA)
JUDGE

fmp/