

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.6750 OF 2016
(Komal d/o Harigir Giri and others Vs. The State of
Maharashtra and others)

Mr. S.S. Thombre, Advocate for petitioners
Mr. V.S. Badakh, A.G.P. for respondents/State
Mr. Mukul Kulkarni, Advocate for respondent No.3

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

DATE : 3rd MAY, 2017

ORAL ORDER :

The petitioners have been admitted to the first year M.B.B.S. course in September, 2014 from the reserved category. The petitioners were given the benefit of exemption from paying the fees as is applicable to the candidates selected through CAP round. The petitioners are not selected through CAP round, however, from the list of ASSO-CET candidates. The contention of the petitioners is that the Government Resolution dated 30.3.2015 would be inapplicable to them, in as much as before this Government Resolution was introduced they were already admitted and they would be governed by the Government Resolution dated 4.3.2014. The learned counsel relies on the judgment and orders of

Division Bench of this Court at Nagpur in Writ Petition No. 4321 of 2015 with connected Writ Petitions decided under judgment dated 27.6.2016. So also, the judgment and order, dated 30.8.2016 in Writ Petition No. 2770 of 2015. The learned A.G.P. relies on the judgment of the Division Bench of this Court at Nagpur in Writ Petition No. 4822 of 2013 with connected Writ Petitions decided on 18.7.2014 to contend that the petitioners would be bound by the said Government Resolution of 2015.

2. The Division Bench of this Court in Writ Petition No. 2770 of 2015 under order, dated 30.8.2016, so also in Writ Petition No. 4321 of 2015 with connected Writ Petitions under order dated 27.6.2016 has held that the students who have taken admission for the academic year 2014-15 would not be governed by the Government Resolution, dated 30.3.2015 and would be governed by the Government Resolution dated 4.3.2014. The petitioners in this petition are admitted for the academic year 2014-15.

3. Considering the above and for the reasons stated in the aforesaid judgments, the impugned notices

calling upon the petitioners to pay the full fees are quashed and set aside. It is held that the petitioners would not be governed by the Government Resolution dated 30.3.2015, instead would be governed by the Government Resolution, dated 4.3.2014.

4. If any amount is paid by the petitioners pursuant to the interim order, the petitioners may move the Government/institution for refund of the amount, which would be considered by the Government/institution pursuant to the present order.

5. With the above directions and observations, the Writ Petition is disposed of. No costs.

[SANGITRAO S. PATIL]
JUDGE

[S.V. GANGAPURWALA]
JUDGE