

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 9651 OF 2016

1. Vinod s/o Motiram Gadade
age 21 years, occ. Education
r/o Bodhegaon, Tq. Parali
Dist. Beed.
2. Yagnik s/o Dhananjay Rankhamb
age 22 years, occ. Education
r/o Saraf Line, Ranaji Chowk,
Kaij, Tq. Kaij, Dist. Beed.
3. Shantanu s/o Deepakrao Tayade
age 20 years, occ. Education
r/o Sarvadnya, Shayma Nagar
Amravati, Tq. And Dist. Amravati
4. Apurva d/o Wamanrao Dhote
age 22 years, occ. Education
r/o KGN Society,
Near Fire Engineering College
Katole Road, Nagpur
Tq. & Dist. Nagpur
5. Sonali d/o Suryakantrao Jaybhaye
age 20 years, occ. Education
r/o Dhanlaxmi, Nagar-Jintur Road,
Parbhani, Tq. & Dist Parbhani

Petitioners

Versus

1. The State of Maharashtra
Through its Secretary
Department of Social Justice
and Special Assistance,
Mantralaya, Mumbai
2. The Assistant Commissioner
Social Welfare, Latur
Tq. & Dist. Latur.

3. The Regional Deputy Commissioner
Social Welfare, Latur
Tq. & dist. Latur
 4. Maharashtra Institute of Medical
Sciences and Research Medical College
Latur, Tq. & Dist. Latur
Through its Dean
 5. Maharashtra University of Health Sciences
Nashik, Tq. & Dist. Nashik
Through its Registrar
- Respondents

Mr. S.S. Jadhavar, advocate for petitioners.

Mr. A.V. Deshmukh, A.G.P. for respondents 1 to 3.

Mr. V.B. Jadhav, advocate for respondent no. 4.

CORAM : R.M.BORDE &

A. M. DHAVAL, JJ.

DATE : 1st AUGUST, 2017

JUDGMENT : (PER R. M. BORDE, J.)

1. Rule. Rule made returnable forthwith.
2. Heard finally with the consent of learned counsel for the respective parties.
3. The issue raised in the instant petition is covered by the decision rendered by Division Bench of this Court at Nagpur Bench in Writ Petition No. 4321/2015 and other companion matters decided on 27th June, 2016. In identical set of facts, the Division Bench has held that the policy adopted by the Government in terms of Government Resolution dated 30.03.2015 would not be applicable in case of petitioners and, the policy adopted by the

State in terms of Government Resolution dated 04.03.2014 shall have applicability. Since petitioners have been admitted to medical course during the academic year 2014-2015, the policy decision of the State Government dated 30.03.2015 shall have no applicability.

4. For the reasons recorded while disposing of the writ petitions referred to above, instant petition also deserves to be allowed. Government Resolution dated 04.03.2014 shall have applicability in the matter of reimbursement of fees of petitioners who have been admitted to medical course as against reserved category. The rider added to Government Resolution dated 30.03.2015 shall not be attracted in respect of petitioners and, their admissions shall be regulated by Government Resolution dated 04.03.2014. Demand for tuition fees, if any, by the institution, shall not be insisted upon the petitioners and it would be the responsibility of the Government to re-imburse the fees in terms of the policy decision referred to above.

5. Rule made absolute to the extent as specified above.

(A.M. DHAVALÉ)
JUDGE

(R.M.BORDE)
JUDGE