

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

**WRIT PETITION NO. 11558 OF 2015**

Prachi Arvind Matkar & anr. ...Petitioners

VERSUS

The State of Maharashtra  
and others ...Respondents

**WITH**

**WRIT PETITION NO. 4741 OF 2016**

.....

Shri S.B.Talekar, advocate for petitioners  
Shri A.V.Deshmukh, advocate for Resp. Nos.1 to 5  
Shri A.V.Hon,advocate i/b  
Shri V.D.Hon, Sr.advocate for resp.nos. 4 and 5  
Shri V.S.Kadam, advocate for respondent no.3  
in WP 11558 of 2015  
Shri A.N.Nagargoje, advocate for petitioner  
Shri A.V.Deshmukh,advocate for respondent nos. 1 to 5  
Shri P.V.Barde, advocate for respondent no.7  
in WP 4741 of 2016

.....

**CORAM : S.V.GANGAPURWALA & K.L.WADANE, JJ.**

**DATED : 10th January, 2017**

**O R D E R :-**

In both these matters, the petitioners  
have been admitted to the first year M.B.B.S.

course for academic year 2014-15. The petitioner in Writ Petition No. 4741 of 2016 is admitted on 30.9.2014 and the petitioners in Writ Petition No.11558 of 2015 are also 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 in both these petitions 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 rely 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. In both these matters the petitioners are admitted for the academic year 2014-15.

3. Considering the above and for the reasons stated in the afore said judgments, the impugned

notices calling upon the petitioners to pay the full fees is 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 in Writ Petition No.4741 of 2016 pursuant to the interim order, the petitioners may move the Government/institution for refund of the amount of Rs.50,000/-, which would be considered by the Government/institution pursuant to the present order.

5. The Writ Petitions accordingly disposed of with the afore said observations. No costs.

**(K.L.WADANE, J.) (S.V.GANGAPURWALA, J.)**