

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CONTEMPT PETITION NO. 807 OF 2016
IN
WRIT PETITION NO.10332 OF 2015

Atmaram Maharaj Seva Bhavi Sanstha
Shelgaon (Bk)
& another

Petitioners

Versus

Ujjwal Uke
& others

Respondents

Mr. V.D. Patnoorkar, advocate for petitioners.
Mr. A.V. Deshmukh, A.G.P. for respondent no.5.

**CORAM : R.M.BORDE &
A. M. DHAVAL, JJ.**
DATE : 12th JULY, 2017

PER COURT:

1. Petitioner-institution, conducting diploma course in nursing, is claiming re-imbursement of the fees in respect of reserved category students who were admitted in the petitioner-institution during the academic year 2011-2012 and 2012-2013.

2. The diploma course comprises of two years training. In all probabilities, the students have completed their education and have left the institution. When the students have left the institution, there is no reason for the institution to come forward and claim re-imbursement of fees. It is worthy to note that none of the students have approached us claiming re-imbursement of fees.

Petitioner-institution in these circumstances does not have locus to claim re-imbusement of fees. Apart from this, it has been pointed out that petitioner-institution was not accorded approval by the Indian Nursing Council, which is mandatory in view of clause 8 of the Government Resolution dated 21st March, 2005.

3. Petitioner has pointed out decision of this Court in Writ Petition no. 10332/2015 decided on 20.01.2016. Court directed release of tuition fees / examination fees of the students and, it has not been directed that the same shall be paid to the petitioner-institution. It has also been clarified that respondent-State shall have entitlement to scrutinize/examine the necessary requirements. As has been recorded above, one of the necessary pre-requisite is to obtain approval from the Indian Nursing Council, which is lacking in case of petitioner.

4. For the reasons recorded above, the contempt petition does not deserve consideration and stands rejected.

(A.M. DHAVALÉ)
JUDGE

(R.M.BORDE)
JUDGE