

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 642 OF 2016

Sagar S/o Madhukar Salunke

Petitioner

V E R S U S

The Director of Medical Education
and Research, Dental College and
Hospital Building, St. George's
Hospital Compound, Near V.T.,
Mumbai and three others

Respondents

Mr. N.V. Gaware, Advocate for the petitioner
Mr. P.N. Kutti, A.G.P. for respondent No.1/State
Mr. D.S. Pawar, Advocate, holding for
Mr. K.C. Sant, Advocate for respondent No.2
Mr. P.D. Bachate, Advocate for respondent Nos.3

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

DATE : 26th APRIL, 2017

PER COURT :

1. Mr.Gaware, learned counsel for the petitioner submits that the petitioner was admitted with respondent No.3-College and part payment of his fees was also made. Thereafter, the admission of the petitioner was cancelled. The learned counsel submits

that the petitioner was never intimated about cancellation of his admission, nor any notice was given to him before such cancellation of admission. The learned counsel further submits that the reliance placed by the respondents on letter dated 19th November, 2015 is misplaced. The same is not signed by the petitioner nor the father of the petitioner has given any such application. The said document is forged and fabricated one. The enquiry be directed to be initiated by the respondent No.3-College. The petitioner is also entitled for the compensation for the loss being caused to him.

2. Mr.Bachate, learned counsel for respondent No.3-College submits that the petitioner had paid only Rs.25,000/- at the time of taking admission, whereas the fees as per the Shikshan Shulk Samiti was Rs.1,07,000/-. The petitioner did not pay the remaining amount of fees. The learned counsel submits that the petitioner wanted to take admission in another College and the application was given on 19th November, 2015 for cancellation of his admission.

3. We have heard the learned counsel for respondent No.2-University.

4. The admission as appears from the record was taken by the petitioner in the year 2015 to B.A.M.S. course. It would not be possible now for us to ascertain the dispute as to whether the petitioner had submitted letter to respondent No.3-College with a request to relieve him from the said course.

5. There is dispute amongst the parties about the application of the petitioner dated 19th November, 2015 for cancellation of admission. According to the petitioner, said application was never given by him and it is forged one. It appears that the criminal complaint is also filed in that regard. According to the respondents, the said application for cancellation of admission of the petitioner is given by the petitioner/his father. It would not be possible for this Court under its writ jurisdiction under Article 226 of the Constitution of India, to go into such disputed fact.

6. The claim in respect of the compensation also depends upon the finding on the disputed question as to the document dated 19th November, 2015.

7. In the light of above, it would not be possible to consider the case of the petitioner under the Writ jurisdiction of this Court under Article 226 of the Constitution of India. The petitioner is at liberty to file proceedings before the Civil Court or file any other proceeding as may be permissible in law regarding his grievance about compensation.

8. On merits, all contentions of the parties are kept open.

9. With the above observations, the Writ Petition is disposed of. No costs.

(SANGITRAO S. PATIL, J.)

(S.V. GANGAPURWALA, J.)

