

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

WRIT PETITION NO. 2955 OF 2018

Priti D/o Sahebrao Gaikwad
Age: 22 years, Occ: Education,
R/o Baba Nagar, Near Ganpati Temple,
Nanded, Tq. Nanded,
Dist. Nanded.

... **Petitioner**

Versus

1. The State of Maharashtra
Through its Secretary,
Social Welfare Department,
Mantralaya, Mumbai.
2. The Commissioner,
Commissioner of Social Welfare,
Maharashtra State, 3, Church Road, Pune.
3. The Competent Authority,
Directorate of Medical Education and
Research (DMER), 4th Floor,
Government Dental College
Building, St. George Hospital Area,
Fort, Mumbai.
4. The Principal,
MIMSR Medical College
Vishwanathpuram, Ambajogai Road
Latur, District : Latur.
5. The Registrar,
Maharashtra University of Health
Sciences, Dindori Road, Mhasrul /
Nashik, District - Nashik.

... **Respondents**

Mr. S.M. Vibhute, Advocate for the Petitioner.
Mr. P.S. Patil, AGP for Respondent-State.
Mr. Vinod B. Jadhav, Advocate for Respondent No.4.

with

WRIT PETITION NO. 2942 OF 2018

Pranita D/o Hanumantrao Koneri
Age: 24 years, Occ: Education,
R/o Shrinagar, Barshi Road Latur
Tq.& Dist. Nanded.

... **Petitioner**

Versus

1. The State of Maharashtra
Through its Secretary,
Social Welfare Department,
Mantralaya, Mumbai.
2. The Commissioner,
Tribal Development Commissionerate,
Adivasi Vikas Bhavan, First Floor,
Agra Road, Nashik, Dist.: Nashik.
3. The Competent Authority,
Directorate of Medical Education and
Research (DMER), 4th Floor,
Government Dental College
Building, St. George Hospital Area,
Fort, Mumbai.
4. The Principal,
MIMSR Medical College
Vishwanathpuram, Ambajogai Road
Latur, District : Latur.
5. The Registrar,
Maharashtra University of Health
Sciences, Dindori Road, Mhasrul /
Nashik, District - Nashik.

... **Respondents**

Mr. S.M. Vibhute, Advocate for the Petitioner.
Mrs. V.N. Patil Jadhav, AGP for Respondent-State.
Mr. Vinod B. Jadhav, Advocate for Respondent No.4.

**CORAM : R.M. BORDE &
MANGESH S. PATIL, JJ.**
DATE : 23.10.2018

ORAL 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 these two petitions 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 2013-2014, 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, these two petitions also deserve 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 above.

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

[MANGESH S. PATIL, J.]

[R.M. BORDE, J.]