

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO. 3078 OF 2018

Shantanu s/o Deepakrao Tayade
age 22 years, occ. Education
r/o Sarvadnya, Shayma Nagar,
Amravati, Tq. & Dist. Amravati

Petitioner

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
Taluka and District Latur
 - 4 Maharashtra Institute of Medical
Sciences and Research, Medical College
Latur, Taluka and District Latur
Through its Dean
 - 5 Maharashtra University of Health Sciences
Nashik, Taluka and District Nashik
Through its Registrar
- Respondents

Mr. S.S. Jadhavar, advocate for petitioner.
Mrs. V.N. Patil-Jadhav, AGP for Respondents no 1 to 3.
Mr. V.B. Jadhav, advocate for respondent no. 4.
Mr.K.C.Sant, advocate for respondent no. 5.

**CORAM : R.M.BORDE &
MANGESH S. PATIL, JJ.**
DATE : 26th October, 2018

JUDGMENT : (Per R.M. Borde, J.)

1 Rule. Rule made returnable forthwith.

2 Heard finally at admission stage 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 27.06.2016. In identical set of facts, the Division Bench at held that the policy adopted by the Government in terms of Government Resolution dated 30.03.2015 would not be applicable in case of petitioner 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 of 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.

MANGESH S. PATIL
JUDGE

R.M.BORDE
JUDGE

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