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

**CIVIL APPLICATION NO.11742 OF 2018
IN
WRIT PETITION NO.12406 OF 2017**

Dr. Jafri Sayyadshadab Shahidali,
Age: 27 years, Occ: Medical Student,
R/o. Senior Boys Hostel, J.M.F.S.,
A.C.P.M. Medical College,
Sakri Road, Dhule,
Tq. & Dist. Dhule & anr. ..APPLICANTS

VERSUS

The State of Maharashtra
Through its Principal Secretary,
Department of Medical
Education, Mantralaya,
Mumbai-32 & ors. ..RESPONDENTS

Mr Abhijeet S. More, Advocate for applicants;
Mrs A.V. Gondhalekar, A.G.P. for respondent Nos. 1
and 2;
Mr U.S. Malte, Advocate for respondent No.3;
Mr S.P. Shah, Advocate for respondent No.4

**CORAM : PRASANNA B. VARALE &
MANISH PITALE, JJ.**

DATE : 3rd OCTOBER, 2018

ORAL ORDER :

This application is filed on behalf of the
applicants with basic prayer (B), which reads
thus :

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“(B). By way of an appropriate order of directions, the respondent No. 4 college may kindly be directed to hand over all the documents which are necessary to further studies to the applicant no.2 and to repay an amount of Rs.540000/- to the applicant no.1 and for that purpose issue necessary orders.”

2. Prayer clause (C) is an ancillary prayer.
3. Writ Petition No.12406 of 2017 is filed on behalf of Dr. Ravi Prabhat and others. The order passed by the Division Bench of this Court is placed on record along with application at Exhibit A-1.
4. Learned Counsel appearing for the petitioners submits that the petitioners are still prosecuting their studies, whereas these applicants namely Dr. Jafri Sayyadashadab Shahidali and Dr. Vivek Vinayak Shingane completed their medical course and are desirous to prosecute their academic

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year and other course. Learned Counsel submitted that in spite of interim order passed by this Court thereby directing that no coercive action be taken against the petitioners, respondent No.4 institute is seeking recovery of the fees.

5. It is further submission of learned Counsel appearing for the applicants that respondent No.4 is not handing over original documents submitted to respondent No.4 at the time of admission in respondent No.4 college for M.B.B.S. Course.

6. Mr. Shah, learned Counsel appearing for respondent No.4, on instructions, makes a statement that these applicants have never approached respondent No.4 with a prayer to hand over documents to them. He submits that if such a request could have been made, respondent No.4 has no objection to hand over documents to these applicants and even today, respondent No.4 is ready to hand over documents of these applicants to them

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as and when they approached to respondent No.4 institute.

7. In view of submission of Mr. Shah, learned Counsel appearing for respondent No.4, we direct the applicants to approach the Principal of Jawahar Medical Foundation's Annasaheb Chudaman Patil Memorial Medical College, Dhule on 8th October, 2018 with request application incorporating the list of these documents. On receiving the application, the Principal to hand over these documents enlisted in the application and seek endorsement of the applicants on the application to provide copy of the application to these applicants. We make it clear that we are only allowing prayer clause (B) partly in respect of handing over of the documents. Other part of prayer namely to repay amount of Rs.540000/- to applicant No.1 will be considered only at the time of hearing of the petition finally. The application is accordingly disposed of.

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8. The petition be posted for hearing/consideration/orders on 8th October, 2018.

9. Interim relief to continue till next date.

(MANISH PITALE)
JUDGE

(PRASANNA B. VARALE)
JUDGE

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