

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

WRIT PETITION NO.8435 OF 2017

**INDIRA SAUDAGAR BANSODE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

**WITH
WRIT PETITION NO. 11108 OF 2017**

**ANUJA SIDHARTH OVHAL
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

Mr. V.B. Jadhav h/f. Mr. U.U. Wagh, Advocate for petitioner in WP No.8435 of 2017.

Mr. V.H. Dighe, Advocate for petitioner in WP No.11108 of 2017.

Mr. S.S. Dande, AGP for respondent/State.

Mr. S.S. Wagh h/f. Mr.A.P. Deshmukh, Advocate for respondent No.5.

**CORAM : SUNIL P.DESHMUKH &
S.M.GAVHANE,JJ.**

DATED : 07.08.2019

P.C. :-

1. After hearing learned counsel for parties, it emerges that all these petitioners have been admitted to first year B.D.S. course for academic year 2013-2014 from reserved category. Their names had appeared in the list of candidates for admission through NEET examination.

2. Learned counsel for petitioner submits that in quite a few writ petitions involving similar facts, this high court has passed orders in favour of petitioners. He refers to writ petitions bearing No. 10761 of 2008, 2955 of

2018 with connected petitions, 3078 of 2018 and 7356 of 2018 and orders therein. In addition to aforesaid, reported decision of division bench at Nagpur in case of Mrudul Namdev Meshram & Ors. Vs. State of Maharashtra and Ors., 2016 (5) Mh.L.J.359, is also being referred to.

3. In order dated 06-03-2019, in writ petition No.10761 of 2018, division bench of this court had considered that petitioners in the circumstances would be entitled to avail of benefits of government resolution dated 04-03-2014 and had observed that in such case, respondents would not be able to demand tuition fees from petitioners and the government would be liable to reimburse fee of petitioners pursuant to policy decision under government resolution dated 04-03-2014, if conditions of said government resolution are fulfilled.

4. Learned AGP, however, purports to resist writ petitions submitting that majority decisions relied on, referred to above, have been posed challenge to before Supreme court in special leave petitions and those are pending.

5. However, having regard to facts and circumstances, while there is no practical distinction in factual matrix, we deem it appropriate to issue similar directions, as issued in writ petition No. 10761 of 2018 and follow suit of orders in writ petitions referred to above.

6. Respondents should not be in a position to demand tuition fees from petitioners and it would be responsibility of state government to reimburse tuition fees of petitioners in terms of policy decision under government resolution dated 04-03-2014, of course, if conditions of said government resolution are fulfilled.

7. With aforesaid directions, writ petitions are disposed of.

[S.M.GAVHANE,J.]

[SUNIL P.DESHMUKH,J.]