

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

103 WRIT PETITION NO.8109 OF 2019

AKASH MUNJAJI KANDHARE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioners : Mr. Wani h/f. Bajaj Anil S.
AGP for Respondents/State : Mr. PK. Lakhotiya
Advocate for Respondents : Mr. S.G. Karlekar for R/2.
Advocate for Respondents : Mr. Nagargoje Ankush N. for R/4

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**CORAM : S.V. GANGAPURWALA &
MANGESH S. PATIL, JJ.**
DATE : 15.07.2019

PC. :-

The learned counsel submits that the respondent no.4 is not returning the original documents submitted by the petitioner at the time of taking admission with respondent no.4-college on the ground that the petitioner is required to pay fees.

2. Mr. Nagargoje the learned counsel submits that the petitioner had taken admission with respondent no.4-college B.E. (Computer Science Course) and the last cut-off date for cancellation of admission was 31.08.2018. The petitioner cancelled his admission on 30.09.2018. According to the learned counsel, the petitioner thereafter did not attend the college. Because of the cancellation of admission after the last cut-off date the seat offered to the petitioner fell vacant. The petitioner has not paid the fees to

the respondent-college for the academic year 2018-2019 and for the course to which the petitioner was admitted. The petitioner be directed to pay the fees then only the respondent no.4-college would return the documents.

3. Recovery of fees and or any other dues is a different matter altogether. The respondent no.4-college cannot retain the documents presented by the petitioner on the ground that fees is not paid. The respondent no.4 does not have the right of lien over the documents submitted by the petitioner. The respondent no.4 if is of the view that the petitioner is liable to pay the fees then the respondent no.4 may take appropriate steps for recovery of fees from the petitioner, however on the ground that some fees is recoverable from the petitioner cannot retain/detain the documents submitted by the petitioner.

4. In light of the above, we direct the respondent no.4 to return all the original documents submitted by the petitioner at the time of seeking admission with the respondent no.4-college for the B.E. (Computer Science Course) for the academic year 2018-2019. It may put an endorsement on the said documents about the petitioner having taken admission in his college. The documents shall be returned within a period of seven days. Writ petition is disposed of. No costs.

[MANGESH S. PATIL, J.]

[S.V. GANGAPURWALA, J.]