

Niharika Pednekar and Ors.	}	Petitioners
versus		
State of Maharashtra and Ors.	}	Respondents

Mr.Ganesh Gole for respondent no. 6.

DATE :- FEBRUARY 25, 2019

1. After this writ petition was heard for some time and we perused all the annexures to the writ petition, all affidavits in reply and gave a suggestion to the counsel appearing for parties, they have agreed that this petition can be disposed of without assigning detailed reasons by the following order and directions:-

- (i) The impugned order dated 21st December, 2018 passed by respondent no. 2, copy of which is at Exhibit 'O'

to the writ petition, stands quashed only to the extent of respondent no. 4-college which had sought approval for its fees.

(ii) The fees for the MBBS degree course for the batch admitted in 2017-18 shall be revisited/redetermined by respondent no. 2 authority in accordance with law.

(iii) Before it passes its orders, it should allow two representatives of the students/parents to inspect the records and particularly the documents filed by the fourth respondent-college, including such of the accounts and books in relation thereto which would enable the authority to determine the fees and also allow them to take copies of only such documents and not the entire record as may be desired, but entirely at the cost, charges and expenses of the petitioners. On such an inspection being taken with prior appointment, it would be open for the second respondent to determine the schedule of personal hearing.

(iv) The two representatives of the students/parents/petitioners, who have inspected the record, then shall remain present at the personal hearing along with the representatives of the management.

(v) The authority shall allow them to make oral submissions and also to point out from documents the discrepancies and deficiencies.

(vi) After the oral submissions are concluded, the authority shall close the personal hearing and pass a

reasoned order in accordance with law as expeditiously as possible and in any event, within a period of four weeks from the date of closure of the personal hearing. The authority shall pass the fresh order without being influenced by any of the earlier orders and conclusions.

(vii) Needless to clarify that the names of the representatives authorised by the students/parents and two in number shall be duly intimated and in advance to the authority. It is only these representatives who will be allowed to inspect the record and make submissions at the personal hearing.

(viii) We also clarify that we have not expressed any opinion on the rival contentions.

2. With the aforesaid directions, the writ petition is disposed of.

(M.S.KARNIK, J.)

(S.C.DHARMADHIKARI, J.)