

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

1024 WRIT PETITION NO.6451 OF 2021

SHAIKH FAZALUR RAHMAN MOHD. ASAFQUE  
VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

...

Mr.M.L. Paithane h/f Mr.M.A. Golegaonkar,  
Advocate for the petitioner.

Mr. S.P. Tiwari, AGP for the respondent/State.

Mr.V.S. Kadam, advocate for respondent no.2.

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CORAM : S.V. GANGAPURWALA  
AND  
S.G. DIGE, JJ.

DATE : 10<sup>th</sup> DECEMBER, 2021

**PER COURT :-**

1. The present petition is seeking directions to respondent no.2 – college to issue the original documents as enlisted in prayer clause "B".

2. The petitioner was admitted to B.E. (Bio-Medical course) from S.T. category. He has completed his B.E. (Bio-Medical course) in November, 2020. However, the petitioner is not being issued the documents.

3. Mr. Kadam, the learned counsel for respondent no.2 submits that the petitioner has not paid the fees. He was admitted from S.T. category. The validity is submitted now in

February, 2021. Online process is not accepting the proposal for reimbursement of fees. The college is now not in a position to get the reimbursement of that fees. There would be no way of getting the amount from the petitioner, if the documents are released.

4. For non-payment of fees, the documents cannot be withheld by the College/Educational Institution. The educational institution does not have a lien or pledge over the said documents. The respondents may take steps to recover the fees as may be permissible under law, however, does not have authority to withhold the documents such as college leaving certificate, 10<sup>th</sup> and 12<sup>th</sup> certificates, marks memos, degree certificates etc. The respondents shall not withhold the documents only on the ground of non-payment of fees.

5. The petitioner and respondents may also take further steps as may be permissible in law for reimbursement of fees.

6. The parties shall cooperate with each other.

7. The Writ Petition is disposed of. No costs.

(S.G.DIGE, J.)

(S.V. GANGAPURWALA, J.)