

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

920 WRIT PETITION NO.8336 OF 2020

VISHAL SUDHAKAR BIRAJDAR
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioner : Mr. Dnyaneshwar J Patil
AGP for Respondents : Mr. S.G. Sangle
Advocate for Respondent No.4 : Mr. V.B. Jadhav
...

**CORAM : RAVINDRA V. GHUGE &
S.G. MEHARE, J.J.**

DATED : 26th AUGUST, 2021

PER COURT:-

1. Before we pass an order in this petition, we deem it appropriate to record that respondent no.3 the Secretary, Medical Education and Drugs Department, Mantralaya, despite a request from the learned AGP dated 09.08.2021, has not passed on any instructions to the learned AGP. Consequentially, the affidavit in reply has not been filed and there has been no assistance to the Court in this matter.

2. Since we find that respondent no.2 has not responded to the request of the learned AGP, we are directing the Secretary, Medical Education and Drugs Department, Mantralaya to initiate appropriate action against respondent no.2 for his failure in extending assistance to this Court in deciding this matter.

3. The petitioner's grievance raised through a representation dated 07.11.2020 is pending before respondent no.2. Till today, no steps have been taken to decide the said representation. The learned advocate

for the petitioner submits that this Court may grant a time frame to respondent no.2 for deciding his application since he is entitled for reimbursement of the tuition fees in the light of the Government Resolution dated 20.09.2019 and 09.10.2020.

4. At this juncture, we are shown a circular dated 23.08.2021 issued by respondent no.4 indicating that the petitioner is liable to pay Rs.7,20,000/- as the tuition fees for IInd year M.B.B.S. The petitioner belongs to the open category.

5. In view of the above, this petition is disposed off with a direction to respondent no.2 to decide the representation of the petitioner dated 07.11.2020 for inclusion of his name in the list of medical students who are entitled for tuition fee reimbursement, on it's own merits and in any case on or before 30.09.2021. We expect a well reasoned order and if the petitioner is aggrieved by the said order, he would be at liberty to avail of a remedy as is permissible in law.

6. Considering our order, we permit the petitioner to deposit the entire amount of Rs.7,20,000/- with respondent no.4 on or before 30.09.2021, since it does not cause him any prejudice in view of the fact that he will get reimbursement, if eligible, only after he deposits the entire fees. So, in any case, he has to deposit the entire fees. It goes without saying that if the petitioner is eligible for refund of the fees, the amounts deposited would be refunded to him in accordance with the procedure. Such payment of fees as well as the fees deposited for the Ist M.B.B.S course, would be subject to the decision of respondent no.2 as directed in

this order.

7. This order is restricted only to the case of the present petitioner.

(S.G. MEHARE. J)

(RAVINDRA V. GHUGE, J)