

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.9636 OF 2021

AHILYADEVI SHIKSHAN PRASARAK MANDAL THROUGH ITS
SECRETARY AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH SECRETARY AND OTHERS

Mr.Vivek J.Dhage, Advocate for the petitioners.
Ms.R.P.Gaur, AGP for respondent Nos. 1 and 5.
Mr.K.M.Suryawanshi, Advocate for respondent Nos. 2 to 4.

(CORAM : RAVINDRA V. GHUGE AND
S.G. DIGE, JJ.)

DATE : MAY 05, 2022

PER COURT :

1. The learned AGP submits on instructions from Mr.Amit Ghawle, Asstt. Commissioner, Social Welfare, Jalna present in the Court hall that this is not an adversarial litigation. As the petitioner was not party to WP No.2594/2016, which was decided by a short order of this Court dated 20.03.2018, that the petitioner was not granted liberty to charge the fees on semester basis.

2. The order of this Court dated 20.03.2018 in WP No.2594/2016, reads as under :-

“1. In view of the communication placed on record by the University dated 28.02.2018/01.03.2018. The grievance raised by the petitioners in the instant petition stands redressed. The communication is taken on record and marked “X” for identification.

2. The respondent is directed to take note of the decision and take corrective measures for enforcement of the decision.

3. In view of the above, writ petition is disposed off.”

3. The learned Advocate for the petitioner draws our attention to a communication dated 27.04.2018 issued by the Vice Chancellor to all the Principals, Directors of the affiliated colleges and deemed Universities thereby permitting such educational institutions to charge fees on semester basis.

4. The impugned communication by the Assistant Commissioner, Social Welfare, Jalna/respondent No.5, indicates that the present petitioner has been disallowed from charging fees on semester basis since he was not party to WP No.2594/2016.

5. In view of the above, this petition is partly allowed in terms of prayer clause “B” and “C”, which read as under :-

"B. By issuing Writ of Certiorari or orders or any other writ in the nature of writ of certiorari, the Circular

*No.ACAD/SU/Ord.01/86/2015-16 dated 20.01.2016 and letter No.Syllabus Department/KVM Fees/2015-16/15444-15843 dated 21.01.2016 issued by the Director, BCUD including the note of Vice-Chancellor mentioned therein may kindly be quashed and set aside;
C. By issuing Writ of Mandamus or orders or any other writ in the nature of Writ of Mandamus, the respondents may kindly be directed, to allow the petitioners societies to charge the fees on semester-wise basis as prescribed by Circular dated 29.12.2015 as per Appendix - A attached to it."*

(S.G. DIGE, J.)

(RAVINDRA V. GHUGE, J.)