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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.8877 OF 2014

Rohan Ravindra Lahurikar

..... Petitioner

Vs.

The State of Maharashtra and Ors.

..... Respondents

Mr. Yashdeep Deshmukh i/b Mr.Ramdas Shelke for the Petitioner
Mr.M.L.Patil for Respondent nos.4
Mr.N.C.Walimbe, A.G.P. for the State

**CORAM: S.V. GANGAPURWALA &
SANDEEP V. MARNE, JJ.**

DATED : JULY 20, 2022

P.C.

1 The challenge to Clause 8.9(2) of the Rules for admission of the First year Full Time Degree Course in Engineering / Technical for the academic year 2014-15 now remains academic. For the subsequent year, rule has been amended. The only question to be considered is whether the Petitioner shall be entitled for refund of the fees paid by him on account of the request made by the Petitioner for cancellation of his admission before the cut off date.

2 It is not disputed that the Petitioner had cancelled his admission before the cut off date. The stand of the management is

that the management could not fill in all the posts. 14 posts were vacant. In view of that, management is not required to refund the amount of fees.

3 It appears that after the Petitioner cancelled his admission before the cut off date, Respondent institution filled in 3 seats. It appears that non-filling of the seats by Respondent institution is not because of the cancellation of the admission of the Petitioner. Even after the Petitioner cancelled the admission, three seats were filled in by the institution. Other seats remained vacant because institution was not getting the students.

4 Under the order dated 31.01.2012, State was directed to deposit the amount. State has deposited the amount of Rs.80,097/-. Petitioner may withdraw the said amount. Institution shall reimburse that amount to the State Government preferably within three months. Request of the Petitioner for grant of interest is rejected. Petitioner may withdraw the amount of Rs.80,097/- deposited by State Government in this court.

5 Writ Petition is accordingly disposed of. No costs.

(SANDEEP V. MARNE, J.)

(S.V. GANGAPURWALA, J.)