

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

NAGPUR BENCH : NAGPUR

WRIT PETITION NO.830 OF 2022

Amruta Appasaheb Kadam ... Petitioner

- Versus -

State of Maharashtra and others ... Respondents

Shri Anand Parchure, Advocate for Petitioner.

Shri A.B. Moon, Advocate for Respondent No.3.

Shri A.S. Fulzele, Additional Government Pleader for
Respondent No.1.

CORAM : NITIN JAMDAR AND
ANIL L. PANSARE, JJ.

DATE : 17 MARCH 2022

P.C. :

Heard learned Counsel for the parties.

2. The dispute that is sought to be raised before us by
the Petitioner is regarding the payment of fees. According to the

Petitioner, the Petitioner was liable to pay an amount of ₹.6,77,250/- for the entire course of B.A.M.S. conducted by Respondent No.3-College and that the Petitioner has paid ₹.6,34,750/- which included the charges for hostel from first year to fourth year at ₹.2,25,000/-, which facility the Petitioner never availed. According to Respondent No.3, the Petitioner is liable to pay ₹. 9,79,200/- and the balance amount due from the Petitioner is ₹.2,20,250/-. For non payment of these dues, Respondent No.3 is not forwarding the necessary documents to Respondent No.2-University for issuance of provisional degree certificate.

3. It is Respondent No.2-University which will issue the provisional degree certificate. Therefore, we entrust the responsibility for resolving this issue as regards the arrears, if any, to be paid by the Petitioner, upon the Registrar of Respondent No.2-Health University who will call the Petitioner or guardian of the Petitioner and representative of Respondent No.3 to reconcile the accounts.

4. We also direct Respondent No.3 to submit the necessary documents to Respondent No.2 for the purpose of issuance of a provisional degree certificate to the Petitioner. The documents be submitted to Respondent No.2 within period of

two weeks and Respondent No.2 shall issue the provisional degree certificate within period of a week thereafter.

5. This is conditional upon the Petitioner submitting an affidavit/undertaking in this Court that the Petitioner will accept the decision of the Registrar as regards the balance fees if payable. If the said fee is not payable to Respondent No.3, Respondent No.2 Registrar will be entitled to call the degree certificate. Similarly, learned Counsel for Respondent No.3 accepts that if Respondent No.2-Registrar holds that there are no dues payable then Respondent No.3 will also accept the said decision.

6. The undertaking to be filed within period of three weeks and copy of the same be given to Respondent Nos. 2 and 3.

7. No further orders are required. Writ Petition is disposed of.

8. Respondent No.2 is not represented before us. Apart from Registry sending the order to Respondent No.2, Respondent No.3 and the Petitioner will send the copy of this order to Respondent No.2-Registrar.

(ANIL L. PANSARE, J.)

(NITIN JAMDAR, J.)

Deshmukh