

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

MISC. CIVIL APPLICATION (REVIEW) 328/2018

IN

WRIT PETITION 4737 OF 2017(D)

(Dnyaneshwar s/o. Gulab Jadhav and ors ..vs..Rashtriya Vaidya Prasarak Mandal,
Akola and ors.)

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.*

Court's or Judge's orders.

Mr. P.D. Meghe, counsel for applicants.
Mr. A.R. Deshpande, counsel for non-applicants 1 & 2.
Mr. A.M. Deshpande, Addl.GP for respondents 3 & 4.
Mr. Z.Z. Haq, counsel for management.

CORAM: ROHIT B. DEO AND ANIL L. PANSARE, JJ.

DATE: 17.08.2022

The respondents 5 to 9 in Writ Petition 4737/2017
are seeking review of the order dated 8.1.2018 whereby Writ
Petition 4737/2017 was disposed of.

2. Writ Petition 4737/2017 was filed by Rashtriya
Vaidya Prasarak Mandal, Akola seeking direction against the
Maharashtra University of Health Sciences, Nashik that the
results of the final year examination of the postgraduate course
of the respondents 5 to 9 should not be declared unless the said
students pay the balance fees as fixed by the Shikshan Shulka
Samiti, Mumbai in its meeting dated 18.3.2017.

3. The backdrop was that respondents 5 to 9 students were disinclined to deposit the fees on the premise, that the fees decided by the Shikshan Shulka Samiti in its meeting dated 18.3.2017 would not apply to them since they were admitted in the academic session 2014-15.

4. Perusal of order dated 27.11.2017 reveals that the learned counsel for the students submitted that without prejudice to their contentions, the students are ready to deposit fees as demanded by the petitioners within three days and the results be declared immediately, thereafter. The learned counsel for the students further submitted that ultimately if the contention of the students is accepted, the fees deposited be refunded or reimbursed.

5. This Court permitted the students to deposit the fees within four working days. The fees are duly deposited and the results declared.

6. Writ Petition 4737/2017 was disposed of with the following observations.

“The purpose of filing the writ petition stands served in view of the subsequent development. If the respondent nos. 5 to 9 are still of the

view that the fees fixed by the Shikshan Shulk Samiti are on a higher side, they are entitled to take appropriate steps, if so advised. However, their grievance cannot be looked into in the writ petition filed by the petitioners – society and the college.”

7. Mr. Z.Z.Haq, the learned counsel who appears on behalf of the management points out that the grievance of the respondents 5 to 9 is even otherwise misconceived since Shikshan Shulk Samiti had as a fact fixed adhoc fees for the academic sessions 2014-15 and 2015-16 and the fees which are charged from respondents 5 to 9 are as a fact substantially lower than the adhoc fees decided by the said committee.

8. We are not inclined to make any positive observation on the contentions.

9. Respondents 5 to 9 in Writ Petition 4737/2017 are free to institute separate and substantive proceedings seeking recovery of the fees if it is their grievance that higher fees are charged. However, the perception of respondents 5 to 9 cannot be a ground for us to review the order of disposal of Writ Petition 4737of 2017.

10. With liberty to the applicants – original respondents
5 to 9 to agitate their grievance, if any, by instituting separate
and substantive proceedings, the review application is disposed
of.

(ANIL L. PANSARE, J.)

(ROHIT B. DEO, J.)

Belkhede