

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

WRIT PETITION NO. 795 OF 2023

Shubham s/o Shankar Duggamwar

...Petitioner

Versus

1. The State Of Maharashtra
Through Secretary,
Tribal Development Department, Mumbai.
2. Commissioner Tribal Development,
Nashik, Nodal/ Coordination Authority.
3. Project Officer,
Integrated Tribal Development Project,
Nashik.
4. Principal/Chief Administrator Officer,
S.M.B.T. Institute of Medical Science
Research Centre, Nandi Hills,
Dhamangaon, Tq. Igatpuri,
Dist. Nashik.
5. Maharashtra Health Science University,
Nashik.
Through its Registrar.

...Respondents.

...

Advocate for Petitioner : Mr. Golegaonkar Madhur A.
AGP for Respondent Nos. 1 to 3 : Mr. S. G. Sangale
Advocate for Respondent No.4 : Mr. Dhorde Vikram R.
Advocate for Respondent No.5 : Mr. S.B. Pulkundwar

...

**CORAM : MANGESH S. PATIL &
SHAILESH P. BRAHME, JJ.**

DATE : 13 SEPTEMBER 2023

PER COURT :

. Heard the learned Advocate for the petitioner, learned AGP and learned Advocates who appear for respondent no.4/College and respondent no.5/University.

2. The petitioner had secured admission to the M.B.B.S. Course through NEET-UG 2015-16 in a CAP round against a reserved seat. It is being submitted that pursuant to the Government policy declared by the Government Resolution dated 09.08.2004, merely on the basis of furnishing a caste certificate he was entitled to have a scholarship in respect of the tuition fees and examination fees. He could get that scholarship for first three years, however subsequently the Government changed the policy published by way of G.R. dated 31.03.2016, making it mandatory to furnish the certificate of validity as a condition for the entitlement. It appears that resorting to this stipulation in the G.R., the petitioner has not been paid scholarship for last one and half year.

3. The learned Advocate for the petitioner submits that there is stipulation in clause 3.1 making the subsequent Government Resolution dated 31.03.2016 to be applicable even to the students who were already admitted and were continuing the education under the old policy, however subject to the conditions prescribed in that latest

resolution. The beneficial policies could not have been altered retrospectively by putting some conditions. Subsequently the petitioner has secured a certificate of validity and even otherwise he is entitled to the scholarship.

4. In spite of opportunities having been extended, the respondent nos. 1 to 3 have not filed any reply.

5. Once it is found that the petitioner has been benefited by the policy declared by 09.08.2004 and even if the subsequent policy requires submission of a certificate of validity even irrespective of the fact as to the legality or otherwise of the stipulation in the subsequent G.R. providing that even the terms and conditions prescribed therein, would be applicable to the students who were already admitted to the professional courses, once having obtained the certificate of validity, the petitioner should have been paid the scholarship. We do not see any reason as to why when he was already paid the scholarship for first three years, it could have been stopped subsequently, more so when he subsequently even obtained a certificate of validity.

6. The writ petition is allowed.

7. The respondent no. 2 and 3 shall immediately release the scholarship to which the petitioner is entitled to, as expeditiously as possible and in any case within six weeks. Till the time, on petitioner's

furnishing an undertaking with the respondent no.4, respondent no.5 and even to this Court that he would pay the tuition fees and the examination fees to the respondent no.4/College if and when received from the respondent no.2 and 3, the respondent no.4/College shall release all the certificates and documents and even the respondent no.5/University shall not withhold any document or the decree certificate.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]

Najeeb.