

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

12 WRIT PETITION NO. 11285 OF 2023

1. Mehreen Sultana Mohammed Iqbaluddin
 2. Tejaswini Sanjay Rathod
 3. Sana Sultana Mohammed Iqbaluddin
 4. Saniya Sadaf
 5. Md. Inayatullah Md. Azizullah Farooqi
 6. Wajeeha Firdose Mohammed Ibrahim
 7. Bareera Momin Khalilur Rahman
 8. Khan Sana Nisar Khan
 9. Adiba Khanam, Yousuf Khan Pathan
 10. Divya Diliprao Kamble
 11. Prachi Rahul Sonsale
 12. Viren Nagsen Patil
 13. Mahesh Jaysing Rathod
 14. Vishwas Shailesh Sanjay
-Petitioners

VERSUS

1. The State of Maharashtra
 2. Fees Regulating Authority
 3. State Common Entrance Test Cell,
Maharashtra State
-Respondents

Advocate for Petitioners : Mr. Sayyed Tauseef Yaseen
AGP for Respondent Nos. 1 & 2 : Mr. S.G. Salgare
Advocate for Respondent No. 3 : Mr. Ajinkya Reddy

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

DATE : 11 SEPTEMBER 2023

PER COURT :

Heard.

2. The petitioners who have appeared at NEET-UG-2023 are coming with prayer clauses 'B' and 'C' which are as follows :

"B. By issuing Writ of Prohibition or any other Writ, order or direction in the like nature, to hold and declare that the Exorbitant Fees charged by the Private Medical Colleges under caption of "*Deposit Money*" and "*Caution Money*" is arbitrary, unreasonable, illegal, violative of Article 14 of the Constitution of India and FRA Act, 2015.

C. By issuing Writ of Mandamus or any other Writ, order or direction in the like nature, to fix a ceiling limit on fees charges by the Colleges."

3. Learned Advocate for the petitioners submits that the petitioners are likely to get some admission in the current admission process but are aggrieved by the conduct of the Private Medical Colleges in charging under the heads of 'Deposit Money and 'Caution Money' which is clearly in violation of the directions of the Supreme Court and contrary to the provisions of the Maharashtra Unaided Private Professional Institutions (Regulation of Admissions and Fees) Act, 2015. He would submit that allowing the Private Medical Colleges to impose the certain additional charges under the aforementioned two heads is clearly arbitrary and illegal and the petitioners' right to seek admissions would be adversely affected.

4. Learned AGP submits that the petitioners have an alternate and efficacious remedy to approach the Fees Regulatory Authority under the provisions of aforementioned Act, if they have the grievance of the kind demonstrated above.

5. We have carefully considered the rival submissions and perused the papers.

6. At the outset, it is necessary to observe that the petitioners do not have any immediate cause of action in as much as, they are still to be admitted / allotted the College. They have not been called upon to make deposits under the aforementioned two heads. They may have their apprehensions, but till the time they do not get the admission, any decision cannot be rendered on hypothetical premise.

7. Besides, if at all it is a matter of their grievance regarding the profiteering by the Private Medical Colleges, the Act is a complete code in itself and provides for grievance to be put up before the Fees Regulatory Authority.

8. In the light of the above, we dismiss the petition keeping open the remedies to the petitioners as are available under the law.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]