

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

WRIT PETITION NO.2287 OF 2020

Petitioner : Sujit s/o Ramesh Adle,
Aged 20 years, Occ. Student,
R/o Plot No.14, Patel Nagar,
Bajiprabhu Deshpande Layout, Parsodi, Nagpur.
– Versus –

Respondents : 1. State of Maharashtra,
through its Secretary,
Department of Social Justice and Special
Assistance, Mantralaya, Mumbai – 32.
2. Regional Deputy Director of Social Welfare,
Nagpur Division,
Dr. Babasaheb Ambedkar Bhavan,
South Ambazari Road, Nagpur.
3. Assistant Director of Social Welfare,
Dr. Babasaheb Ambedkar Bhavan,
South Ambazari Road, Nagpur.
4. Visvesvaraya National Institute of Technology,
South Ambazari Road, Nagpur,
through its Director.

Mr. P.D. Meghe, Advocate for the Petitioner.
Mr. N.R. Patil, A.G.P. for Respondent Nos.1 to 3.
Mr. Kalyan Chiwarkar, Advocate h/f Mr. Anand Parchure, Advocate for
Respondent No.4.

CORAM: **ROHIT B. DEO AND M.W. CHANDWANI, JJ.**
DATE : **8th JUNE, 2023.**

J U D G M E N T : *(Per M.W. Chandwani, J.)*

Rule. Rule made returnable forthwith. Heard finally by the consent of the learned Counsel for the parties.

02] The petitioner challenges the recommendations of respondent No.2 recommending 50% of the reimbursement of tuition fees and examination fees for the academic years 2018-19 and 2019-20 and seeks direction to release the balance amount of Rs.1,20,000/-.

03] The petitioner belongs to 'Teli' caste, which is categorized as 'Other Backward Classes' (OBC). The petitioner took admission in Visvesvaraya National Institute Of Technology at Nagpur (hereinafter referred to as "VNIT" for short) for pursuing Bachelor of Technology (Mining) and accordingly, he deposited an amount of Rs.71,500/- for each semester up to the forth semester. As per the Government policy vide Government Resolutions dated 12/03/2007 and 20/07/2010, the petitioner, being belonged to OBC, was entitled to reimburse the entire tuition fees and examination fees. But, inspite of continuous pursuing, no reimbursement was given by respondent No.4-College. A grievance was made before respondent No.4-College. The DBT Portal, by which the online claim is required to be made by respondent No.4 to respondent Nos.1 to 3, was showing the petitioner was not eligible for the

scheme. It was revealed that the DBT Portal was not showing the course of Bachelor of Mining Engineering, which was being pursued by the petitioner, rather the said course was wrongly entered in the MAHADBT Portal. Therefore, his claim was not processed online inspite of correspondence *inter se* between the respondents. Hence, this petition came to be filed.

04] During pendency of the petition, the correction on said Portal was done by respondent Nos.1 to 3. Meanwhile, the petitioner also paid fees for 5th and 6th semesters of 3rd year.

05] Since the correction was made in the DBT Portal, the reimbursement of the tuition fees and examination fees of the petitioner for 5th and 6th semesters of 3rd year was considered and the amount of tuition fees and examination fees for 5th and 6th semesters was reimbursed to the petitioner by crediting the amount in his account by the respondents. At the relevant time, the course, which is being pursued by the petitioner, was not being shown in the Portal, therefore, the reimbursement of tuition fees and examination fees for 1st and 2nd years (1st to 4th semesters) could not be processed online. Meanwhile, respondent No.2 by communication dated 24/09/2021 has calculated the claim of reimbursement of tuition fees and

examination fees for the academic years 2018-19 and 2019-20 at the rate of 50% and recommended the same to respondent No.1 and, accordingly, 50% amount of the tuition fees and examination fees for these two years was credited in the account of the petitioner. The petitioner by way of amendment, amended the petition and sought direction for reimbursement of remaining 50% fees.

06] It is not in dispute that the VNIT is a Government aided College. As per the Government Resolution dated 06/10/2003 and the students belongs to OBC category of aided Colleges were entitled to be reimbursed 100% of tuition fees and examination fees. However, by the Government Resolution dated 12/03/2007, the scheme was also extended to the private and un-aided colleges with a rider to reimburse 50% amount of tuition fees and examination to the students. Thus, if a candidate has taken admission in the Government or aided Colleges, then the entire tuition fees and examination fees are required to be reimbursed to the students.

07] Indisputably, since the VNIT is a Government aided College, the petitioner is entitled to 100% reimbursement of tuition fees and examination fees, which the respondents did for the third year. But, the respondents

reimbursed only 50% of the tuition fees and examination fees for the 1st and 2nd years of the said course

08] In view of the above, the petitioner is entitled to be reimbursed remaining amount of Rs.1,20,000/- towards tuition fees and examination fees for the 1st and 2nd years of the said course i.e. for the academic years 2018-19 and 2019-20.

09] In that view of the matter, we direct respondent Nos.1 to 3 to release the balance amount of Rs.1,20,000/- for the educational sessions/ academic years 2018-19 and 2019-20. The petition is allowed in the aforesaid terms.

10] Rule is made absolute with no order as to costs.

(M.W. CHANDWANI, J.)

(ROHIT B. DEO, J.)

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