



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

WRIT PETITION NO.2193 OF 2019

Rasika D/o Bapurao Murmure,
Age. 28 Yrs. Occ. Student,
R/o. Udgir Rod, Latur,
Tal. & Dist. Latur.

..Petitioner

Versus

1. The State of Maharashtra,
Through Secretary,
Department of Social Justice and Special Assistance
Mantralaya, Mumbai-400 032.
2. The Assistant Commissioner,
Tribal Development Commissionerate,
Adiwasi Bhavan, First Floor,
Gadkari Chowk, Old Agra Road, Nashik.
3. The Project Officer,
Tribal Development,
Ghodegaon, Dist. Pune.
4. Sumatibhai Shah Ayurved Mahavidyalaya,
Malwadi, Hadapsar, Pune-411028,
Through its Principal.
5. Maharashtra University of Health Science,
Nashi, Tal & Dist. Nashik,
Through its Registrar.

..Respondents

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Mr. D. A. Madake, Advocate for the Petitioner.
Mr. N. S. Tekale, AGP for Respondent Nos.1 to 3.
Mr. K. M. Suryawanshi, Advocate for Respondent No.5.

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**CORAM : SMT. VIBHA KANKANWADI AND
S. G. CHAPALGAONKAR, JJ.
DATED : 10th JANUARY, 2024.**

ORDER (Per: S. G. Chapalgaonkar, J.):

1. The petitioner approaches this Court under Article 226 of the Constitution of India and prays for prayer Clauses (B) and (E) of the petition, which states as under:

“B. By issuing Writ of Mandamus or any other appropriate writ of direction in the like nature to the respondent No.1 to 3 may kindly be directed to reimburse the tuition fees of the petitioner for the year 2015-2018 in view of her admission in respondent No.4 College.

E. By issuing writ of Mandamus or any other writ or direction to the respondent No.3 the impugned communication/order dated 19.09.2018 issued by the respondent No.3 may kindly be quashed and set aside.”

2. The contention of the petitioner is that she is a student and she was admitted with respondent no.4-College for M.D. Ayurveda (Rognidan) under free-ship caption for the Academic Course for the period from 2015 to 2018. The petitioner completed her M.D. on 09.08.2018. While prosecuting her studies, she was entitled for reimbursement of tuition fees. Accordingly, respondent nos.1 and 2 have reimbursed her education fees for the year 2015-2016. However, no reimbursement of the fees is made for the Academic Year 2016-17 and 2017-18. The petitioner's representation to release amount has been rejected by respondent no.5 vide communication dated 19.09.2018 giving reason that income of the parents of the petitioner is above Rs.2,50,000/-. The petitioner contends that the approach of the respondent is erroneous and contrary to the Government Policy by which the scheme for reimbursement of the education fees has been promulgated.

3. The respondents by filing affidavit-in-reply justified decision and reasons given under the impugned communication and further relies upon the Circular dated 13.03.2018 issued by Tribal Development Department prescribing income cap for reimbursement of the education fees.

4. We have heard the learned Advocate appearing for the respective parties and perused the papers.

5. The learned Advocate appearing for the petitioner, although relies on the Government Resolution dated 30.03.2015, could not point out under which clause the petitioner is entitled for reimbursement of fees in respect of her Postgraduate education in Medical Faculty. The Government Resolution prescribes the reimbursement of fees only in respect of Degree Course. There is no stipulation including Postgraduate Degree Courses for extension of benefits of reimbursement of education fees. The learned Advocate appearing for the petitioner had further relied upon the Government Resolution dated 31.03.2016, wherein there are similar stipulations providing facility of the education fees reimbursement to students admitted in Degree Courses in the stream of Health Education.

6. The Government Circular dated 13.03.2018 clarifies that the facility for reimbursement of fees is available to the students who belong to Scheduled Caste community under Central Government Scheme dated 01.01.2010 subject to the condition that the total income of the parents of the student is not beyond Rs.2,50,000/-. It further stipulates that the scheme under Government Resolution dated 31.03.2016 is not applicable for reimbursement of the education fees for Postgraduate studies.

7. The learned Advocate for the petitioner relies on various orders passed by this Court, which are annexed with the petition by which the benefit of the reimbursement of fees to the student was approved. However, we find that all those orders pertain to the admissions for Degree course. None has dealt with the reimbursement of fees to the Postgraduate Degree Course.

8. In view of the aforesaid observations, the petitioner has failed to make out any case for interference of this Court under Article 226 of the Constitution of India.

9. The Writ Petition sans merit, hence, dismissed.

(S. G. CHAPALGAONKAR)
JUDGE

(SMT. VIBHA KANKANWADI)
JUDGE

Devendra/January-2024