



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

**CIVIL APPLICATION 11207 OF 2024
IN
REVIEW APPLICATION STAMP NO. 3037 OF 2024
WITH
REVIEW APPLICATION STAMP NO. 3037 OF 2024
IN
WRIT PETITION NO. 969 OF 2017**

The State of Maharashtra and others .. Applicants

Versus

Sarika Sanjay Gaikwad .. Respondent

Shri R. S. Wani, A.G.P. for the Applicants.

**CORAM : MANGESH S. PATIL &
SHAILESH P. BRAHME, JJ.
DATE : 14 OCTOBER 2024.**

FINAL ORDER :

. The State has preferred this review application together with civil application for condonation of delay of 2085 days caused in filing the review application.

2. We have heard the learned Assistant Government Pleader to ascertain whether there are any ground for the State to seek review.

3. The learned A. G. P. points out that the respondent was seeking to derive benefit of the Government Resolution dated 19

August 1995, whereby the State had provided a scheme for free education to two wards of parents teaching in an aided primary, secondary and higher secondary school. The petitioner, who had secured admission to M.B.B.S. course in the Government Medical College, Miraj, Dist. Sangli was sanctioned Rs. 6,000/- reimbursement of tuition fees. It was her stand that since that Government Medical College had charged tuition fees to the tune of Rs. 40,000/- per annum, she was entitled to reimbursement of entire Rs. 40,000/- per annum tuition fees.

4. The learned A. G. P. would submit that since petitioner was seeking to derive benefit of G. R. dated 19 August 1995, she should have followed the modalities for claiming the reimbursement. He would advert our attention to two of the clauses from the G. R. which require requisite application to be moved within 30 days of beginning of the academic year and the certificate of atleast 75% attendance. He would submit that the respondent herein had not complied with both the requisites and still was granted reimbursement. He would submit that precisely her entitlement to seek reimbursement was not examined while deciding the writ petition by the order under review.

5. Though attractive, falsity of the submissions of the learned A. G. P. and stand of the State is evident from the fact that entitlement of the respondent herein, to have reimbursement under G. R. dated 19 August 1995 was never in issue in the

petition. Admittedly, she was sanctioned Rs. 6,000/- per annum reimbursement under the same G. R. The issue was merely regarding quantum of reimbursement and this Court by the order under review had held her entitled to claim reimbursement to the fullest extent of Rs. 40,000/- per annum.

6. May be precisely for this reason, even the affidavit in reply filed in the petition on behalf of State was devoid of any stand disputing respondent's entitlement to claim the reimbursement, muchless for not following the modalities prescribed under that G. R. for claiming the reimbursement.

7. This clearly demonstrates that no case of review is made out. The state is seeking to raise additional issues, which were not germane to the decision under review.

8. There is no ground sufficient enough to pursued us to exercise the power of review.

9. The civil application for condonation of delay together with the review application is dismissed.

[SHAILESH P. BRAHME J.]

[MANGESH S. PATIL, J.]