



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

56 WRIT PETITION NO. 13087 OF 2024

DR. SHAIKH KADIR RASUL AND OTHERS

VERSUS

THE STATE OF MAHARASHTRA THROUGH PRINCIPAL
SECRETARY

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Advocate for the Petitioners : Mr. Swapnil Madanrao Mule.

AGP for Respondent/s-State : Mr. N. S. Tekale.

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CORAM : S. G. MEHARE, AND
SHAILESH P. BRAHME, JJ.

DATE : 02.12.2024

PER COURT :-

1. Heard learned counsel for the petitioners.
2. The petitioners are the students of respondent No.3/College, who want to take benefit of Government Resolution dated 19.08.1995. They are seeking direction to consider their representation which are pending before the respondents/Authorities.
3. The petitioners are the students and they are eligible for the free-ship under the policy of the Government. They have made individual as well as joint representation to the

respondents/Authorities for reimbursement of the tuition fees. They have already paid the tuition fees and waiting for the reimbursement. The representation dated 14.09.2017 was made by them to respondent No.3. Vide covering letter dated 23.01.2018, the proposal of the petitioner has been forwarded by respondent No.3 to respondent Nos.1 and 2. The said proposal has not been considered till date.

4. Another grievance of the petitioners is that documents of few of them have been withheld by respondent No.3/College. Learned counsel tenders on record a list of the petitioner Nos.9 to 22 whose documents have been withheld.

5. Learned AGP submits that the direction can be issued to respondent Nos.1 and 2 to consider the proposal on its merits.

6. We find that issue involved in this writ petition is no more *res-integra*. The consistent views have been taken by the Co-ordinate Benches. Few such decisions have been placed on record. We propose to follow the same course and the reasoning as done in the matter of writ petition No.969 of 2017, decided on 11.04.2018 as well as writ petition No.1790 of 2024, decided on 01.04.2024. Respondent No.3/Authority

cannot withhold the documents for the recovery of the tuition fees from the students. Therefore, the petitioners are justified in contending that petitioner Nos.9 to 22 are entitled to receive the documents. In that view of the matter, we pass the following order :

ORDER

- (i) Writ petition is partly allowed.
- (ii) The proposal which is forwarded vide covering letter dated 23.01.2018 by respondent No.3 to respondent Nos.1 and 2 shall be considered on its merits and in accordance with law as well as the scheme prevailing.
- (iii) The decision shall be taken within six (6) weeks from today.
- (iv) Respondent No.3 shall return the documents of the petitioner Nos.9 to 22 forthwith.

(SHAILESH P. BRAHME, J.)

(S. G. MEHARE, J.)

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vmk/-