



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

WRIT PETITION NO. 404 OF 2026

Dr Kaustubh Shivaji Katule

VERSUS

The State Of Maharashtra Through Principal Secretary Medical Education
And Drug Department

Mr. S. M. Mule, Advocate for petitioner

Mr. S. K. Tambe, Addl. GP for respondent-State

**CORAM : Smt. Vibha Kankanwadi &
Hiten S. Venegavkar, JJ.**

DATE : 05th March, 2026

PER COURT :-

1. Leave to amend. Director of Higher Education, Pune, be included as a party respondent immediately.
2. The present petitioner is seeking directions to Respondent No. 3 to decide their joint representations and individual representations with respect to the return of tuition fees paid by them to Respondent No. 3. The Petitioner's claim is that they were entitled to exemption from the entire fees in view of the Government Resolution. The learned Advocate for the Petitioner relies upon the decisions of this Court dated 04.07.2025 in Writ Petition Nos. 7975 of 2025 and 7977 of 2025, and dated 03.10.2025 in Writ Petition No. 10314 of 2025.

3. The learned Addl. GP waives notice on behalf of all the respondents. He submits that the representations submitted by the petitioner are required to be sent to the Director of Higher Education Pune, who has the authority to take a decision. According to the learned Addl. GP, the Director of Higher Education, Pune, is a necessary party, and he has taken instructions from the said authority, who has stated that the decision would be taken within a period of three (3) months.

4. The first and foremost fact that is required to be noted in the present matter is that the joint representations of the Petitioners appears to have been filed on 14.11.2025 and 24.11.2025, whereas the petition has been filed on 07.12.2025. By mentioning the matter on 04.02.2026, the learned Advocate for the Petitioners obtained circulation for today. It appears that there is some misrepresentation, as the learned Advocate for the petitioner has attempted to show that individual representations were made every year and that they were neither answered nor decided. He has mentioned only the last representation that has been made on 24.11.2025. In fact, this Court is dealing with many urgent matters, yet, considering that the petition itself was filed on 07.12.2025 and the representations were made only on 14.11.2025 and 24.11.2025, some breathing time ought to have been given to the concerned authorities to take a decision.

5. The learned Advocate for the petitioner places on record a copy of the order dated 3rd October, 2025, passed by this Court in Writ Petition No. 10314 of 2025, whereby this Court directed Respondent No. 3, the Dean of the College, to take a decision on the representations. He also places on record a copy of the order dated 13.11.2025 passed by the Dean of Swami Ramanand Tirth Rural Government Medical College, Ambajogai, District Beed, in compliance with the aforementioned order. He submits that Respondent No. 3, even in the present matter, has the power to decide the representations. Certainly, there appears to be some anomaly, as one Dean of a Government Medical College passes the order and releases the amount, whereas another Dean in Writ Petition No. 1092 of 2026 from a different district states that the proposals are required to be sent to the Director of Higher Education, Pune, for a decision, thereby suggesting that he has no authority to decide the representation or to pass an order with respect to reimbursement of fees. We hope that the Director of Higher Education, Pune, will clarify the situation. In view of the above, we pass the following order:–

ORDER

[i] The Writ Petition is allowed to the extent that the representation made on behalf of the Petitioners on 14.11.2025 and 24.11.2025, as well as any individual representations made by the Petitioners, shall be considered by Director of Higher Education,

Pune, on their own merits, and in accordance with law as well as the scheme prevailing. If the representations are required to be forwarded to the concerned authority, they shall be forwarded immediately. The Director of Higher Education, Pune, is directed to take a decision on the representations, and the process of passing the order shall be completed within a period of three (3) months from today.

[ii] The document of the petitioner, if any, shall be returned to them at the earliest.

[iii] The Writ Petition stands disposed of.

(Hiten S. Venegavkar, J.)

(Smt. Vibha Kankanwadi, J.)

B. S. Joshi