

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

949 WRIT PETITION NO. 1112 OF 2026

Dr Shaikh Mohammed Raza Mohammed Mustafa

VERSUS

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

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Mr. Swapnil M. Mule - Advocate for the Petitioner

Miss Neha B. Kamble - AGP for State

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CORAM : SMT. VIBHA KANKANWADI
AND
HITEN S. VENEGAVKAR, JJ.

DATED : 30TH JANUARY, 2026

PER COURT : -

1. The present Petitioners are seeking directions to Respondent No. 3 to decide their joint representation and individual representations with respect to the return of tuition fees paid by them to Respondent No. 3. The Petitioners' claim is that they were entitled to exemption from the entire fees in view of the Government Resolution. The learned Advocate for the Petitioners 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.

2. The learned AGP waives notice on behalf of all the Respondents. He submits that the representations submitted by the Petitioners are required to be sent to the Director of Higher Education,

Pune, who has the authority to take a decision. According to the learned AGP, 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.

3. The first and foremost fact that is required to be noted in the present matter is that the joint representation of the Petitioners appears to have been filed on 27.01.2026, whereas the Petition has been filed on 28.01.2026. By mentioning the matter on 29.01.2026, the learned Advocate for the Petitioners obtained circulation for today. It appears that there is some misrepresentation, as the learned Advocate for the Petitioners 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. In fact, this Court is dealing with many urgent matters, yet, considering that the Petition itself was filed on 28.01.2026 and the representation was made only on 27.01.2026, some breathing time ought to have been given to the concerned authorities to take a decision.

4. The learned Advocate for the Petitioners 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 27.01.2026, 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 documents of the Petitioners, if any, shall be returned to them at the earliest.

[iii] The Writ Petition stands disposed of.

[HITEN S. VENEGAVKAR]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

SG Punde