

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

WRIT PETITION NO. 9924 OF 2010

1. Prakash s/o Goraksha Tupe,
Age 18 years, Occ. Education
R/o Loni (Kd), Tq. Rahata,
District Ahmednagar
2. Akash s/o Kishore Londhe,
Age 19 years, Occ. Education,
R/o Loni (Kd), Tq. Rahata,
District Ahmednagar
3. Sagar s/o Dattatraya Anap,
Age 18 years, Occu. Education,
R/o Songaon, Tq. Rahuri,
District Ahmednagar
4. Amol s/o Ramdas Jarhad,
Age 18 years, Occ. Education,
R/o Ashwi (Bk), Tq. Sangamner,
District Ahmednagar
5. Pravara Rural Education Society's
Padmashree Dr. Vitthalrao Vikhe Patil
Institute of Technology and Engineering
Pravara Nagar, (Polytechnic)
At Loni, Tq. Rahata,
District Ahmednagar
Through its Principal ..PETITIONERS

VERSUS

1. The State of Maharashtra,
Through the Secretary,
Higher and Technical Education
Department, Mantralaya,
Mumbai 32

2. The Director (Technical Education)
Maharashtra State,
Mumbai
3. The Joint Director,
Higher and Technical Education Deptt.
Nashik Division, Nashik

..RESPONDENTS

Mr V.D. Hon, Advocate for the petitioners;
Mr D.V. Tele, Asstt. Govt. Pleader for respondents no.1 to 3.

**CORAM : P.V. HARDAS AND
A.V. POTDAR, JJ.**

DATE : 3rd March, 2011

ORAL JUDGMENT (PER P.V. HARDAS, J.)

Rule. Rule returnable forthwith. With the consent of learned Counsel for the parties this petition is heard finally at the stage of admission.

2. By this petition under Article 226 of the Constitution of India, the petitioners pray for issuance of a writ of certiorari for quashing and setting aside the communication dated 4.3.2010 issued by the Under Secretary, Government of Maharashtra, Higher & Technical Education Department, Mantralaya, Mumbai and communication dated 9.3.2010 issued by the Director of Higher & Technical Education, Maharashtra State and the communication dated 23.3.2010 issued by the Joint Director, Higher &

Technical Education, Nashik Division, Nashik. The petitioners have also prayed vide prayer clause (C) and (D) for issuance of a writ of mandamus directing the respondents to grant scholarship and concession in fees to petitioners no.1 to 4 and other similarly placed students admitted by respondent no.5 polytechnic institution from reserved category. Mr Hon, learned Counsel for the petitioners states that the petitioners do not press for the relief at prayer clause (D) to the petition.

3. On notice of this petition being issued to the respondents, the respondents have filed their affidavit in reply. In the affidavit in reply at paragraphs 3 & 4 the respondents have now virtually admitted that in the light of the Government Resolution dated 29.10.2010 and 6.11.2010, all candidates who have secured admission to the post S.S.C. Diploma courses in Engineering/Technology, irrespective of participation of the institute in the Centralised admission process would be eligible for reimbursement of the fees. At paragraph 4 it is stated that in the light of the aforesaid Government Resolution, the reimbursement of the tuition fees, scholarship is applicable to the reserved category candidates admitted in Govt./Govt. Aided institutes as per rules. The contents of paragraphs no.3 & 4 of the affidavit are reproduced below, which read thus :-

"(3) I respectfully say and submit that in view of the Government Resolution dated 29.10.2010 and Dt. 6.11.2010, all candidates who have secured the admission to Post SSC Diploma Courses in Engineering/Technology for the academic year 2010-2011 irrespective of the participation of the institute in Centralised admission process (CAP) during the academic year 2010-2011 are eligible for fees reimbursement.

(4) I respectfully say and submit that the Government Resolution Dt. 29.10.2010 and Dt.6.11.2010 are for the reimbursement of the tuition fees, Scholarship is applicable to the reserved category candidates admitted in Govt. / Govt. Aided institutes as per rules. The concession of fees in the form of fee reimbursement vide the above mentioned Govt. Resolutions is applicable to the reserved category candidates admitted in unaided professional institutes in the State of Maharashtra. Therefore the petitioner no.1 to 4 are eligible for the concession in fees in the form of fee reimbursement."

4. Mr V. D. Hon, learned Counsel for the petitioners states that in the light of the contents of paragraphs no.3 & 4, which have been adverted to above by us, the reliefs which the petitioners have prayed for stand granted to them. In that light of the matter, therefore, we are inclined to allow this petition by making Rule absolute in terms of contents of paragraphs no.3 & 4 of the affidavit in reply.

5. In the result, this petition succeeds. Rule is made absolute in terms of contents of paragraphs no.3 & 4 of the affidavit in reply of the respondents. There shall be no order as to costs.

(A.V. POTDAR, J.)

(P.V.HARDAS, J.)

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