

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

**WRIT PETITION NO. 11022 OF 2014.**

**DISTRICT : AHMEDNAGAR**

The Association of the Management of  
 Unaided Engineering Colleges (Mah.) & ors. ...**PETITIONERS.**

**VERSUS**


The State of Maharashtra  
 Others.

...**RESPONDENTS.**

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Date : 02/12/2014.  
 Place : Aurangabad.

  
**(N.B. KHANDARE)**  
 Advocate for the petitioners.

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...**RESPONDENTS.**

**SYNOPSIS**

The petitioner is aggrieved by clause 14 of impugned Government Notification dated 03-7-2014 & 14-7-2014 issued for the approval of new bachelor courses/ post graduate degree/ post graduate diploma, variation in intake and for starting institutions for the academic year 2014-2015. The clause contemplates that, the fee reimbursement facility will not be applicable to the reserved category students admitted in the newly established institutions or newly started courses in the existing institutions in the academic year 2014-15. The consequence of insertion of this clause is that the students from reserved category would not be in a position to exercise option in respect of College who have not been assigned general admission code and would not be entitled for benefit of reimbursement of fees.

1. Dates and events.

Sr. No.	Dates	Events
1	13/5/2014	The AICTE by its advertisement invited applications for grant of approval for new institutions, additional courses, increase in intake and variation in intake etc.
2		Members of first petitioner submitted applications to AICTE online within stipulated time.

3	13/5/2014	DTE published a notification and informed to the applicant institutions/ colleges to submit complete information online on the official website of DTE as submitted to AICTE. The dates of hearing were also mentioned in the notification and Principal of the concerned college was asked to remain present with records.
4.		The AICTE has considered the applications submitted by the respective institutions/ colleges and granted approvals for the academic year 2014-15 for opening of new college, increase in intake in existing college, opening of new courses in existing colleges etc. as per exh.-C.
5.		The government had published rules for admission to Engineering courses for the academic year 2014-15 namely rules for admission to Ist year degree courses in Engineering/ Technology in government, government aided and unaided engineering institutes in Maharashtra State.
6.		The rules inter-alia provides reservation for backward class category candidates and the percentage to each category is also mentioned therein.
7		The institutions/ colleges are compulsorily require to follow the reservation percentage while granting admissions to students. Almost 65%



		students are required to be admitted from various reserved categories including economical backward classes.
8		The admissions are granted to the students through Centralized Admission Process (CAP) and the list of students, who were qualified in CET were forwarded to the colleges for granting admissions and admissions are granted only to the students, who come from CAP.
9	2006-07	The fee reimbursement policy is applied to the private unaided engineering colleges thereby the government reimburse fee to the college against students of reserved category admitted in the college. The college is not entitled to charge fees to the students.
10	3/7/2014 14/7/2014	The government issued G.R.s granting approvals to the colleges approved by the AICTE. Clause 14 of G.R. contemplates that, fee reimbursement facility will not be applicable to the reserved category students admitted in the newly established institutions or newly started courses in the existing institutions to whom approval is granted by the said government resolutions for the academic year 2014-15. Clause 14 further stipulates that, the colleges to which government has send negative recommendations and whose applications are not forwarded through

		government are not entitled for application of the same.
11.		By insertion of Clause 14 in Government resolutions the members of first petitioner association are directly affected because they have admitted students belonging to various reserved categories and EBC from the list forwarded by DTE, who were selected through CAP.
12		First petitioner association thereafter made detail representation to the respondents thereby requested withdraw Clause no.14 in the impugned government resolutions. Petitioners brought to the notice of respondents that, as per fees reimbursement scheme only qualification is that, students admitted from CAP are eligible to avail fee reimbursement facility. It was categorically pointed that, the member colleges have granted admissions to the students of reserved category and EBC only through CAP. However, no action is taken on the representation.
		Hence this Writ petition.

**POINTS TO BE CONSIDERED:**

1. Whether impugned Clause 14 is arbitrary, unreasonable and violates provisions of Article 14 & 19 (1)(g) of Constitution of India.

2. Whether sudden insertion of Clause 14 of G.R. the intention of state is clear to go away from social responsibility of reimbursement of fee.
3. Scope and extent of powers of State government in grant of approval.


**BOOKS TO BE REFERRED:**

1. Constitution of India.
2. A.I.C.T.E. Act, 1987 and Regulations.

**AUTHORITIES WILL BE CITED:** Nil at present.

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Date : /12/2014.  
Place : Aurangabad.

  
(N. B. KHANDARE)  
Advocate for the petitioners

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

WRIT PETITION NO. 11022 OF 2014

DISTRICT : AHMEDNAGAR

In the matter of Articles 226, 14 &  
19(1)(G) of the Constitution of India.

AND

In the matter of Article 300 of the  
Constitution of India

AND

In the matter of All India Council for  
Technical Education Act, 1987

AND

In the matter of Clause 14 of  
Government Resolutions dated 3.7.2014  
and 14.7.2014 issued for the approval





of new Bachelor Courses/ Postgraduate degree/ Postgraduate Diploma, Variation in intake and for starting institutions for the academic year 2014-2015

1. The Association of the Management of Unaided Engineering Colleges (Mah.)  
A Society registered under the Act having its registered office at :  
C/o K.K. Wagh Education Society,  
Hirabai Haridas Vidya Nagari,  
Amrut Dham, Panchavati,  
Nasik - 422 003, Maharashtra,  
Through its President :  
Shri Balasaheb Wagh.
  2. GHR Educational Foundation Society,  
G.H. Raisonni Institute of Engineering & Management, Gat No.57, Shirsoli Road,  
At Post Mohadi, Jalgaon, PIN - 425 003  
Through its Principal  
Dr. Prabhakar Bhat
  3. Sanjivani Rural Education Society's  
College of Engineering, PO Shingnapur,  
Taluka Kopargaon, Dist. Ahmednagar  
423 603, through its Principal  
Dr. D.N. Kyatanavar
  4. Amrutvahini Sheti & Shikshan Vikas  
Sanstha's Amrutvahini College of  
Engineering, PO Sangamner Sakhar  
Karkhana, Taluka Sangamner  
Dist. Ahmednagar - 422 608  
Through its Principal :  
Dr. J.J. Vikhe Patil
  5. S.G.R. Education Foundation,  
College of Engineering & Management,  
G.No.1030, At Post Chas,  
Nagar-Pune Road, Ahmednagar 414 008  
Through its Chairman  
Shri Sunil Raisonni.
- ... PETITIONERS

VERSUS

1. The State of Maharashtra  
through Secretary,  
Higher & Technical Education  
Department, Mantralaya Annex Building,  
Mumbai - 400 032



2. The Director,  
Directorate of technical Education,  
Maharashtra State,  
3, Mahapalika Marg, Dhobi Talao,  
Mumbai - 400 001
3. The Secretary,  
Social Welfare and Special Assistance  
Department, Govt. of Maharashtra,  
Mantralaya Annex Building,  
Mumbai - 400 032
4. The Secretary,  
Tribal Development Department,  
Government of Maharashtra,  
Mantralaya Annex Building,  
Mumbai - 400 032

TO,

HUMBLE PETITION OF THE  
PETITIONERS ABOVE NAMED

1. The first petitioner is an association of managements of unaided Engineering Colleges (Maharashtra). The first petitioner is a society registered under the Societies Registration Act and is granted registration certificate dated



27.5.2003. Simultaneously, petitioner is also registered as a public trust under the Bombay Public Trusts Act, 1950 and has been granted registration certificate dated 26.10.2003. The first petitioner is concerned for its members, unaided Engineering Colleges situated at different cities and towns of the State of Maharashtra. Petitioners 2, 3, 4 and 5 are the educational institutions and managements of Engineering Colleges and/or Engineering Colleges, which are members of first petitioner. These Engineering Colleges and members of first petitioner are run on permanently no grant basis and they do not receive any financial assistance from the Government.

2. The first respondent is the State of Maharashtra, represented through its Secretary in Higher and technical Education Department, concerned Department, regulating to some extent the affairs of Engineering Colleges run by the petitioners. The respondent No.2 is the Directorate of technical Education, an admission authority, controls admissions in private Engineering Colleges in the State of Maharashtra. Respondent nos.3 and 4 are the Social Welfare and Special Assistance Department and Tribal Development Department respectively, frame and implement scheme namely fees reimbursement scheme for the students belonging to Scheduled castes and Scheduled Tribes, admitted and taking education in private unaided colleges. The respondents are the State authorities and is State within the meaning of Article 12 of the Constitution of India and, therefore, amenable to the writ



jurisdiction of this Hon'ble High Court under Article 226 of the Constitution of India.

3. The members of first petitioner, petitioners No.2 to 5 are Engineering Colleges, duly approved by the All India Council for Technical Education (for short hereinafter referred to as "AICTE") to start Bachelor of Engineering (B.E.) Courses, additional intake, Variation in Intake, additional Courses, second shift; after following procedure prescribed under AICTE Act and Regulations framed thereunder.

The petitioners are aggrieved by Clause No.14 of the Government Resolutions dated 3.7.2014 and 14.7.2014, whereunder the approval is granted to the petitioner colleges in conformity with the approval granted by the AICTE for the academic year 2014-15. Clause 14 thereof contemplates that the fee reimbursement scheme/ facility will not be applicable to the reserved category students admitted in the said newly established institutions or newly started courses in the existing institutions including the increase in intake for the academic year 2014-15. Consequently, the students belonging to reserved categories i.e. Scheduled Castes, Scheduled Tribes, Other Backward Classes and Economically Backward Classes would not be entitled to the benefits of fee reimbursement scheme, which is in force till date. Such students are not in a position to exercise in respect of petitioner colleges because of the restrictions put under clause 14 of the Government





Resolutions.



4. Surprisingly, clause No.14 of the Government Resolutions is wholly contrary to the procedure, which was adopted by the Director during the admission process and also contrary to the provisions of AICTE Act, 1987 and regulations framed thereunder. No procedure or the provisions prescribed under AICTE Act and regulations provides for making an application through Government. The Government also did not at any point of time asked the petitioners and other member institutions desirous to make an application for opening of college, increase in intake, opening of courses etc., shall submit applications through Government and failing which the scheme would not be made applicable. By now, it is settled legal position and the point is no more res integra that AICTE is the final authority and the State Government does not have any role to play in grant of approvals. Depriving the petitioners and member colleges from the benefits of scheme which is in force, is illegal, not only from the point of view of the college but from the point of view of students also. The students from the said categories to whom scheme is applicable, are also deprived from getting the benefit of fee reimbursement scheme. The petitioners, therefore, raised a challenge to the validity of the impugned clause 14 of the aforementioned Government Resolutions. The AICTE had issued public notice for approval process 2014-15 for grant of approvals for establishment of new institutions, additional courses in existing institutions,



increase in intake capacity, variation in intake including closure of courses. Hereto annexed and marked as **EXHIBIT 'A'** is the copy of public notice.

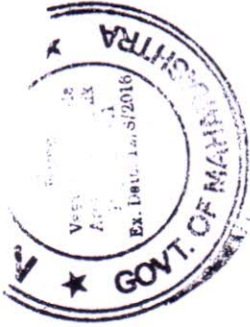
5. AICTE is an authority and a body established under the AICTE Act, 1987. The AICTE is empowered to frame rules and regulations under the Act. Accordingly, the AICTE has framed regulations providing procedure for grant of approvals and they are amended and modified time to time, presently the regulations 2010/2011 are holding the field. For ready reference, copy of regulations 2010-2011 are annexed hereto and marked as **EXHIBIT 'B'**.

6. As per said regulations and procedure prescribed therein, the institutes seeking approval is required to make an application Online (AICTE Website) directly to the AICTE. The regulations nowhere prescribe a procedure to submit application through Government.

7. Members of petitioner No.1 applied to the AICTE according to the time table prescribed. Different members of the first petitioner had submitted applications seeking approvals for different subjects, increase in intake establishing new college etc. etc. as per respective applications submitted by them. A detailed chart indicating detailed information regarding the members/ colleges who have submitted their applications for grant of approval for the academic year 2014-



15 is annexed hereto and marked as **EXHIBIT 'C'**.



8. The petitioners state that, as per the norms, before the petitioners applied to AICTE, required applications/ proposals were submitted to the concerned affiliating bodies, in case of Engineering colleges and seeking approval for graduate and postgraduate courses to the respective Universities and in respect of diploma courses to the Maharashtra State Board of Technical Education (MSBTE), as the case may be.

9. The Director - respondent No.2, in pursuance to the approval process started by the AICTE, published a notification dated 13.5.2014 and asked the concerned applicants/ colleges to submit complete Online information as submitted to AICTE. The concerned applicants/ colleges were also informed to remain present for hearing as per the programme scheduled therein along with complete records. The personal presence of Principals was compulsory. The colleges were also required to submit fees. Hereto annexed and marked as **EXHIBIT 'D'** is the copy of notification published by the Director (respondent No.2) dated 13.5.2014. It is pertinent to note at this stage that, even this notification does not make any mention or contain any information regarding submission of application through Government and also regarding non application of fees reimbursement scheme.

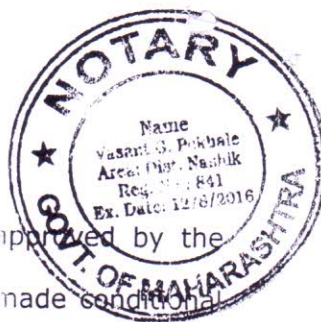
10. Accordingly, the member colleges/ applicants





submitted required information to the Director/ Respondent No.2 and also attended hearing on scheduled dates. During the verification of documents and the hearing, which was in fact a formality, the applicants were not informed about the said requirement of submission of application through Government and non application of fee reimbursement scheme. As a matter of fact, the applicant colleges, while submitting the applications for approval Online to the AICTE, also submitted complete applications to the respective Regional Joint Directors and the Director.

11. The AICTE, on considering applications and the recommendations of Government, if any, satisfied that the applications are in conformity with the requirement of procedure and also found that the applicant colleges have complied all necessary infrastructural, educational facilities and, therefore, granted approval to the respective colleges for the academic year 2014-15. The detailed information is contained in Chart placed at Exhibit C. The copy of approval letters were directly endorsed to the Secretary, Higher and technical Education Department, Government of Maharashtra. The Government, thereupon, was under statutory obligation to grant further approval or recognition as the case may be in consonance with the approval granted by the AICTE for the academic year 2014-15. The Government, therefore, issued the impugned Government Resolutions dated 3.7.2014 and 14.7.2014, thereby granted approval/ recognition for running



courses for the academic year 2014-15 as approved by the AICTE. However, surprising, the approval is made conditional which is contained in clause No.14 of the Government Resolutions, which contemplates that even reimbursement facility will not be applicable to the reserved category students admitted in the college for the academic year 2014-15, to whom the Government has given a negative recommendations and whose applications were not routed through Government. A further condition is placed that such institutions or the colleges are required to file a notarised affidavit. Though the form and contentions of affidavit are not enumerated in the clause No.14 of Government Resolutions, it is informed that, the concerned college should file affidavit and furnish an undertaking that the college will not claim fee reimbursement. Hereto annexed and marked as **EXHIBIT 'E' Colly.** are the copies of Government Resolutions dated 3.7.2014 and 14.7.2014.

12. As stated hereinabove, neither the petitioner No.1 being association nor the member colleges, who applied for grant of approval were informed at any point of time that the applicant would require to submit application to AICTE through the Government nor the application of fee reimbursement scheme.

13. Some of the member colleges of petitioner No.1 are required to file Writ Petition before the Hon'ble High Court as



the newly approved colleges were not included in admission process though it was obligatory on the Government. The Hon'ble High Court found that, non inclusion in admission process is wrong and illegal, therefore, issued directions to the Director to include the respective colleges in the admission process. The petitions were filed before the Bench at Aurangabad and also Principal Seat at Mumbai. Ultimately, one of the Writ Petitions namely Writ Petition No.5816/2014 was heard elaborately at Mumbai. Considering the law as it stands today, as declared by the Hon'ble Supreme Court and in various judgments of the Hon'ble High Court, the petition is allowed and directions are issued to the Government particularly the Director (respondent No.2) to include the petitioner colleges in the Centralised Admission Process (CAP) for the academic year 2014-15 and issued institute Code and to display the names on the Web Portal along with institute information, Coursewise sanction intake and choice code. The colleges were thereafter included in the admission process and admissions are complete. For ready reference, various interim orders passed by the Hon'ble High Court and judgment in Writ Petition No.5816/2014 is annexed hereto and marked as **EXHIBIT 'F'**.

14. The petitioners state that, rules for admission to First Year of degree courses in Engineering/ Technology in Government, Government Aided and unaided Engineering Institutes in Maharashtra State also rules for admission to direct Second Year of Four Year Degree courses in Engineering/

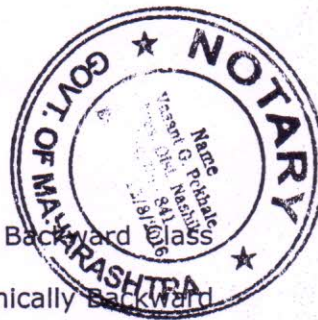




Technology for the year 2014-15 were published by the Director - respondent No.2. Clause 3.3.1 of the said Rules makes provisions for reservation for Backward Class category candidates and it enumerates details of categorywise percentage of reservations. Reliance is placed on the Maharashtra Ordinance No.5 of 2016 under which reservation for backward classes is made compulsory and accordingly, the same is also made compulsory in the rules of admission framed for the academic year to the concerned colleges, Government or non Government including non-aided private colleges are under compulsion to grant admission percentagewise to the various reserved category candidates mentioned enumerated in the admission rules. Hereto annexed and marked as **EXHIBIT 'G'** is the copy of rules for admission for Engineering courses.



15. During admission process, the list of students was forwarded to the respective member colleges by the Director or the Joint Director, as the case may be, and allotting students to the respective colleges for grant of admissions including the students belonging to various reserved categories and also Economically Backward Classes. Under the directions and as per admission process, students allotted by the Director or the Joint Director as the case may be, have been granted admission in the respective colleges including students belonging to various reserved categories. Out of the admitted students, almost 65% students are belonging to various reserved categories i.e. at least 50% from reserved categories



of Scheduled Castes/ Scheduled Tribes/ Other Backward Class etc. and almost not less than 15% from Economically Backward Classes. The college, under the scheme framed by the Government which is in force, and under rules for admission is not entitled to receive fees from such students and fees would be borne by the Government under its free reimbursement scheme. However, by virtue of clause 14 of the impugned Government Resolutions, the college is not entitled to reimburse fee. from Government. As of today, such admissions to the said category of students are without fees.

16. The petitioners state that, an identical Government Resolution was issued while granting approval/ recognition to the colleges for the last academic year 2013-2014 and the first petitioner association had filed a Writ Petition before the Hon'ble High Court and the individual member colleges also filed similar petitions challenging the said Government Resolutions and clause No.14 thereof. After hearing the Government and the petitioners, the Hon'ble High Court, in a batch of petitions, rendered a judgment on 9.9.2014 and correction in order on 15/9/2014, thereby held that, clause 14 of the said Government Resolutions are not applicable to the petitioners therein which were approved by AICTE for the academic year 2013-2014. It is further held that, the petitioners/ institutions/ colleges are entitled for fee reimbursement and all other related benefits continuously based upon the earlier Government Resolutions / policies. The





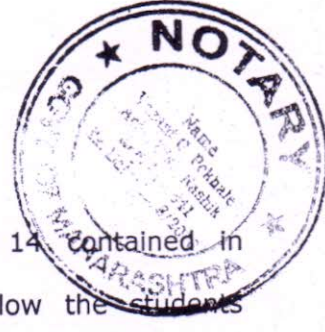
copy of the judgment and order dated 9.9.2014 and corrected order Dtd.15/9/2014, passed by this Hon'ble Court in Writ Petition No.5190/2013 is annexed hereto and marked as **EXHIBIT 'H'**.



17. The petitioners state that, the Government – respondent No.1 and particularly the respondent No.2 was aware that such Writ Petition challenging the identical clause 14 of the Government Resolutions issued for the last academic year was under challenge before the Hon'ble High Court and was actively under consideration and hearing was in progress; still, ignoring the said fact, the present Government Resolutions are issued. It was appropriate for the Government to stay their hands till the decision is rendered by the Hon'ble Hon'ble Court.

18. After the judgment rendered by the Hon'ble High Court in Writ Petition No.5190/2013, directly bearing on the issue involved in the present Writ Petition, holding that the said clause 14 is not applicable and colleges are entitled for fee reimbursement, the first petitioner being association, made a detailed representation to the concerned Secretaries of Social Welfare, Tribal Development and the Higher and Technical Education Department of Government of Maharashtra. The representation inter-alia mentions the judgment and order dated 9.9.2014-15/9/2014 passed by the Hon'ble High Court. The Government was requested, considering the scheme in its totality and underline circumstances and the judgment of the

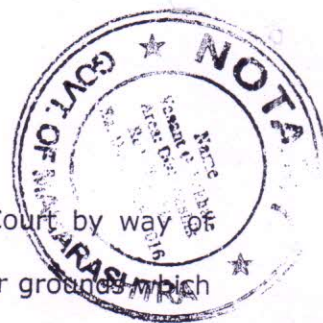




Hon'ble High Court, to withdraw clause 14 contained in impugned Government Resolutions and allow the students (reserved category) to avail fee reimbursement facility. Annexed hereto and marked as **EXHIBIT 'I'** is the copy of representation dated 29.10.2014.

19. The petitioners state that, the fee reimbursement scheme made applicable to the private unaided Engineering Colleges from the academic year 2006-2007 and same is continued till the date by issuing fresh Government Resolutions time to time. The scheme contained in these Government Resolutions stipulates that 100% and 50% fee reimbursement is applicable to SC/ ST/ SBC and to OBC categories respectively. It further stipulates that benefit of the scheme will be extended to the students who have taken admission through Centralised Admission Process (CAP). Thus, it is clear that, only condition for application of the fee reimbursement scheme is admission through CAP. The admissions for this academic year in all the member colleges of petitioner No.1 are through CAP and thus, they are extended for free reimbursement scheme. Various Government Resolutions issued from time to time regarding application for free reimbursement are annexed hereto and marked as **EXHIBIT 'J' Copy**. The representation submitted by the first petitioner is totally ignored and no steps are taken by the respondents to withdraw clause 14 of the impugned Government Resolutions and to extend the benefit of fee reimbursement scheme. The

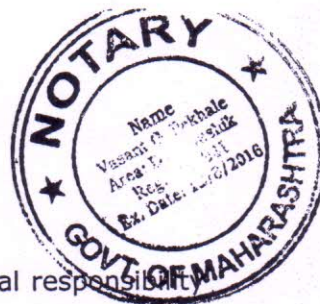
petitioners, therefore, approach this Hon'ble Court by way of present Writ Petition on following amongst other grounds which are without prejudice to each other :



### GROUND S

- I) The impugned clause 14 is arbitrary, unreasonable and unwarranted as it does not stand to the reasons and is not rational.
- II) The respondents did not inform at any point of time earlier that the applications are required to be routed through Government failing which benefit of fee reimbursement would not be available.
- III) The AICTE Act, 1987 and rules and regulations framed thereunder by the AICTE does not contain any provision making the applicant colleges compulsory to submit application through Government. The rules also do not make any provision that view and recommendations of the Government are binding on AICTE.
- IV) The first respondent does not have the authority, jurisdiction and power either to negatively recommend application for establishment of Engineering Colleges or there is no requirement of processing application for establishment of Engineering Colleges through State Government.
- V) That, the sudden insertion of clause 14, the intention





of state is clear to go away from social responsibility of reimbursement of fees. However, reason given or as posed by the respondents that the applications are not processed through State is not tenable in the eyes of law.

- VI) That, there are as many as 78 institutes which are likely to affect by the insertion of the said impugned clause 14, if these institutes admit students from reserved category, such students will not be entitled for fee reimbursement facility. Therefore, there is likelihood of many students may not give preference in CAP to the institutes who are shown in 'no fee reimbursement facility'.
- VII) The first respondent by inserting clause 14 cannot take away the legal rights conferred on educational institutions to conduct the engineering courses when all the other parameters are complied with and met by incurring substantial expenditure.
- VIII) That, in respect of grant of approval for establishment of technical Education institutions the AICTE is sole authority. In view of settled principles of law by no stretch of imagination State Government can state that the application for establishment of engineering colleges was required to process through State Government.
- IX) That, it is obligatory on the respondent to follow process followed for earlier academic years. The





petitioners submit that, AICTE rules do not require compulsory consultation with State Government, however, the said consultation would be at the AICTE and State Government level only.

- X) That, the State cannot have policy contrary to the Central Act. In the matter of granting approval to new technical institutions and introduction of new courses or programmes, no State Government can have a policy outside the AICTE Act. Therefore, contention of State Government that the application for establishment of technical institutions was required to process through State is not tenable in the eyes of law.
- XI) That, such policy of State Government imposing illegal sudden requirement of processing application through State cannot be used to refuse the reimbursement to reserve category students.
- XII) That, the State cannot take away fundamental right of free education from reserved category students by imposing such condition as contained in clause 14 of impugned Government Resolutions.
- XIII) That, the impugned action is wholly arbitrary, excessive and violative of the rights of the institutions as guaranteed under Article 19(1)(g) read with Article 14 of the constitution of India.
- XIV) The petitioners respectfully submit that, for the last academic years such stipulation never existed.





Further, the academic bodies at the State level namely the Universities have also forwarded positive recommendation to AICTE in favour of members of first petitioner. This shows that, what is being imposed is a non essential requirement and by no stretch of imagination, can be part of the mandatory requirement for the purpose of submitting an application to seek approval from the first respondent. Such sudden imposing of clause 14 smacks of arbitrariness and abuse of the powers by the first respondent for extraneous reasons.

- XV) The petitioners respectfully submit that, the first respondent has acted completely beyond its authority and has also encroached the provisions of the AICTE Act to impose and foist such a condition as also interfere in the educational rights of reserved category students. The effect of the impugned action on the part of the respondent is to take away the fundamental right under Article 14, 19(1)(g) of the Constitution of India, conferred on educational institutions.
- XVI) The petitioners further submit that, it is a settled principle of law as laid down in catena of judgments of the Hon'ble Supreme Court namely in the case of **Jaya Gokul Educational Trust Vs. Commissioner and Secretary to Govt. Higher education Department, reported in (2000) 5 SCC 231.**



XVII) That the first respondent has completely overstepped its jurisdiction. The impugned stipulation, therefore, deserves to be quashed and set aside on this count alone.

XVIII) The fee reimbursement scheme, is implemented by the Government for the benefit of the students of reserved categories in order to facilitate to take higher education and the benefit of said scheme are being withdrawn by such unreasoned and unconstitutional order. Basically, the students are the sufferers of the said clause.

XIX) As per policy and scheme, colleges are under obligation to grant admissions to reserved category students and maintain 50% quota of constitutional reservations.

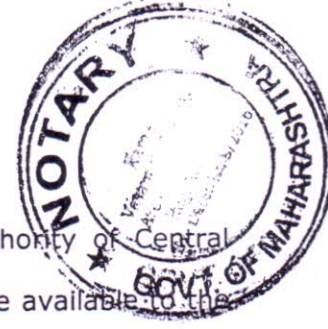
XX) Impugned Clause 14 of G.R. is discriminatory, as it creates discrimination among the reserved category students taking education in same college, for same course and class. College based classification is made by virtue of Clause 14; therefore violates article 14 of the Constitution.

XXI) As per scheme only qualification is student must have admission from CAP, which is fulfilled in the present case; as the lists are provided by the Director of students who are only selected from CAP.

XXII) Central Govt. provide funds towards scholarships through State Govt. and state Govt. is disbursing



authority. Without consent and authority of Central Govt. withheld the benefits otherwise available to the students.



20. The petitioners have not filed any other petition, appeal or revision in the subject matter of this Writ Petition either before this Hon'ble High Court or the Supreme Court of India.

21. The petitioners have no other speedy and efficacious remedy than to file the present Writ Petition before this Hon'ble High Court.

22. The petitioners crave leave of this Hon'ble Court to add, amend, alter, delete or modify any of the paragraphs/submissions/ grounds as and when necessary with the prior permission of this Hon'ble Court.

23. The petitioners undertake to supply translation of Marathi documents into English as and when directed by this Hon'ble Court.

24. The petitioners are approaching this Hon'ble High Court within the period of limitation and there is no delay.

25. The petitioners have not received any notice of



caveat from the respondent/s till the date of filing this Writ Petition.

26. The petitioner, therefore, humbly prays that :
- A) This Hon'ble Court may be please dot issue a writ of certiorari or any other writ, order or direction in the nature of certiorari calling for the records, papers and proceedings pertaining the impugned clause as contained in Government Resolutions dated 3.7.2014 and 14.7.2014 stating 'fee reimbursement facility will not be applicable to the reserved category students admitted in the newly established institutions or newly started courses in the existing institutions in the academic year 2014-2015 and after examining its legality, validity and propriety, be pleased to quash and set aside the same.
- B) Hold and declare that, the Government Resolutions dated 3.7.2014 and 14.7.2014 and clause No.14 thereof is unconstitutional as it violates the provisions of Article 14 and 19(1)(g) of the constitution of India.
- C) Pending hearing and final disposal of this, Writ Petition, the execution, operation and implementation of clause No.14 of the Government Resolutions dated 3.7.2014 and 14.7.2014 may

kindly be stayed.



- D) Pending hearing and final disposal of this writ Petition, the respondents may kindly be directed to apply reimbursement of fees scheme to the students of members of petitioner belonging to reserved category.
- E) Ad-interim relief in terms of prayer clause (C) and (D) above may kindly be granted.
- F) Any other just and equitable order which this Hon'ble Court may deem fit and proper, may kindly be passed.

And for which act of kindness and justice, the petitioner shall, as in duty bound, ever pray.

AURANGABAD

DATED : /11/2014

(N.B. Khandare)  
Advocate for the Petitioner



**VERIFICATION**

I, Mr. Balasaheb Deoram Wagh, Age \_\_\_\_\_ years,  
Occupation Service, as President of Association of the  
Managements of Un-aided Engineering Colleges (Maharashtra),  
C/o K.K.Wagh Education Society, Amrutdham, Panchavati,  
Nashik, do hereby state on solemn affirmation for myself as well  
petitioners 2 to 5 that the contents of this Writ Petition from  
Nos. 1 to 26 are true and correct to the best of my  
knowledge and belief. The legal submissions made therein are  
based on advice of my Advocate which I believe to be true.

Hence, verified and signed at Nashik on this \_\_\_\_\_

day of November, 2014.

Deponent

(Balasaheb C. Wagh)

Identified & explained by :

*Thorat*  
S.S. Thorat

Advocate

**NOTED & REGISTERED**

AT SR. NO. 6236/1174

CONTAINS 24 PAGES

**SIGN. BEFORE ME**

Solemnly affirmed before me.

by Balasaheb Deoram Wagh

Identified before me by Adv. S.S. Thorat  
or whom I personally know.

**VASANT G. PEKHALE**  
NOTARY, GOVT. OF MAHARASHTRA  
Off. Che. No. 119/2, Dist Court, Nashik-2