

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 2142/2020

THE STATE OF MAHARASHTRA & ANR.

APPELLANT(S)

VERSUS

UNION OF INDIA

RESPONDENT(S)

WITH

CIVIL APPEAL NOS. 2143-2144/2020

WITH

CIVIL APPEAL No. 2097/2020

WITH

CIVIL APPEAL No. 2098/2020

WITH

CIVIL APPEAL No. 2096/2020

WITH

CIVIL APPEAL No. 2147/2020

WITH

CIVIL APPEAL 2145/2020

WITH

CIVIL APPEAL 2148/2020

WITH

CIVIL APPEAL No. 2152/2020

WITH

CIVIL APPEAL No. 2151/2020

WITH

CIVIL APPEAL No. 2150/2020

WITH

CIVIL APPEAL No. 2149/2020

WITH

CIVIL APPEAL No. 2153/2020

WITH

CIVIL APPEAL No. 2154/2020

WITH

CIVIL APPEAL No. 2157/2020

WITH

CIVIL APPEAL No. 2155/2020

WITH

CIVIL APPEAL No. 2156/2020

WITH

CIVIL APPEAL No. 2158/2020

AND

CIVIL APPEAL No. 3566/2020

O R D E R

CIVIL APPEAL NOS. 2142/2020, 2097/2020, 2098/2020, 2096/2020, 2147/2020, 2145/2020, 2148/2020, 2152/2020, 2151/2020, 2150/2020, 2149/2020, 2153/2020, 2154/2020, 2157/2020, 2155/2020, 2156/2020, 2158/2020 AND 3566/2020.

Government of Maharashtra took a policy decision to reimburse the tuition fee of the students taking admission in the recognized unaided and permanently unaided educational institutions under the

control of Higher and Technical Education Department, Medical Education and Drugs Department, Agriculture Department and Animal Husbandry, Dairy and Fisheries Department of Government for the Academic Year 2006-2007, which continued till the academic year 2012-2013, by Government Resolution dated 04.03.2014. The Government decided to continue the scheme for one year in the same form in which it was issued in the Academic Year 2013-2014.

It was made clear in the said scheme that it would be applicable to students who have taken admission through the admission process conducted by the Association of Managements of Unaided Private Medical And Dental Colleges Of Maharashtra and for the first year of Health Science Courses, for the Academic year 2013-2014.

For the Academic Year 2014-2015, another Resolution was passed by the Government on 30.03.2015 continuing the scheme for reimbursement of fee to the students belonging to Scheduled Castes, De-Notified Tribes/Nomadic Tribes, Special Backward Category And Other Backward Classes. In the said Resolution, it was reiterated that the scheme shall be applicable only to students who have been admitted through admission

process undertaken by the Association of Management of Unaided Private Medical and Dental Colleges of Maharashtra, Mumbai.

For avoidance of any doubt, it was further stated that the students who have taken admission at the institution level against the remaining vacant seats after completion of the admission process, shall not get the benefit of the scheme, even if approval is accorded by the Admission Control Committee.

The respondents are those students who were admitted at the institution level. They filed writ petitions in the High Court of Bombay, which were disposed of by the impugned judgment. The High Court framed the question as to whether the benefit of fee reimbursement can be declined to students who were admitted at institutional level, though their admissions are duly approved by the Admission Regulatory Committee (Pravesh Niyantaran Samiti).

The High Court upheld the scheme by rejecting the submission made on behalf of the respondents that the scheme suffered from infraction of Article 14 of the Constitution of India. However, following the judgment delivered by the High Court in Writ Petition No.4822/2013 on 18.07.2014, the High Court directed

reimbursement of fee to Petitioners therein. Aggrieved by the said direction, the State of Maharashtra has filed these appeals.

Mr. Sachin Patil, learned counsel appearing for the State of Maharashtra, submitted that the judgment in Writ Petition No.4822/2013 relates to admissions made in the Academic Year 2011-2012 and the benefit of reimbursement was given to students for the Academic Year 2012-2013 due to a Government Resolution dated 13.03.2002, by which the benefit was extended to those students, who were admitted in the earlier year. He argued that there was no such resolution passed by the Government in respect of the students who were admitted for the Academic years 2013-2014 and 2014-2015. He submitted that the High Court committed an error in following the judgment in Writ Petition No.4822/2013 in granting relief to the respondents.

Mr. Sudhanshu S. Choudhari, learned counsel appearing for the respondents showed us two orders passed by this Court on 18.10.2019 and 06.12.2019, by which the Special Leave petitions against Respondent nos. 1 to 44 in Civil Appeal No. 2142/2020 were dismissed for non-prosecution.

In view of the dismissal of the Special Leave Petitions against Respondent Nos. 1 to 44 for non-

prosecution, we do not see any reason to consider these appeals on merits. Therefore, in the facts and circumstances of these appeals, we do not see any reason to interfere in these Appeals.

The Appeals are, accordingly, dismissed. Pending application(s), if any, shall stand disposed of.

CIVIL APPEAL NOS. 2143-2144/2020

The appellants appeared in the Common Entrance Test, conducted by the Association of Managements of Unaided Private Medical and Dental Colleges of Maharashtra for admission to medical courses on 14.06.2014 but were not advised for admission. Pursuant to the advertisement given by the respondent no.3-College seeking applications from the eligible candidates for admission to vacant seats, the appellants applied for admission to B.D.S. course. Respondent No.3-College considered their applications and admitted the appellants to B.D.S. course in the year 2014.

The appellants filed a Writ Petition in the High Court challenging the Government Resolution dated 30.03.2015 by which the reimbursement of fee to reserved category candidates was restricted to those students who were granted admission through the Common Entrance Test.

The Writ Petition was dismissed on 13.06.2016 by following the earlier judgment passed on 08.01.2016 in Writ Petition No. 6110/2014.

The High Court referred to an earlier judgment of the Bombay High Court in Writ Petition No.4822/2013 dated 18.07.2014 to hold that the petitioner therein was not entitled to claim reimbursement of fee as the admission of the petitioner was at the institution level.

Mr. Deshmukh, learned counsel appearing for the appellants, submitted that the appellants have participated in the Common Entrance Test and they were eligible for admission to B.D.S. Course. Merely, because they were admitted at the institution level in the remaining seats, they cannot be deprived of the reimbursement of fee. He argued that the appellants having appeared in common entrance test on 25.09.2014 are not governed by the scheme of reimbursement of fee for the Academic Year 2014-2015, which came into force from 30.03.2015.

The schemes for reimbursement of fee formulated by the State of Maharashtra for the Academic Years 2013-2014 and 2014-2015 have been upheld by the High Court. Students who have been admitted by the

institution(s) are not entitled to claim reimbursement of fee. Only those students who have been admitted after participating in the counseling in the Common Entrance Test are eligible for claiming reimbursement.

For the aforementioned reasons, the appeals stand dismissed. Pending application(s), if any, shall stand disposed of.

.....J
(L. NAGESWARA RAO)

.....J
(ANIRUDDHA BOSE)

NEW DELHI
AUGUST 03, 2021.

ITEM NO.104 Court 6 (Video Conferencing)

SECTION III

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Civil Appeal No(s). 2142/2020

THE STATE OF MAHARASHTRA & ANR.

Appellant(s)

VERSUS

UNION OF INDIA

Respondent(s)

WITH

C.A. No. 2143-2144/2020 (III)

IA No. 43258/2018 - CLARIFICATION/DIRECTION

IA No. 43221/2018 - INTERVENTION/IMPLEADMENT)

C.A. No. 2097/2020 (III)

(FOR

FOR APPROPRIATE ORDERS/DIRECTIONS ON IA 40182/2021

IA No. 40182/2021 - APPROPRIATE ORDERS/DIRECTIONS)

C.A. No. 2098/2020 (III)

(FOR CONDONATION OF DELAY IN FILING ON IA 1/2017

FOR ON IA 2/2017

FOR EXEMPTION FROM FILING O.T. ON IA 3/2017

IA No. 1/2017 - CONDONATION OF DELAY IN FILING

IA No. 3/2017 - EXEMPTION FROM FILING O.T.)

C.A. No. 2096/2020 (III)

(IA

FOR APPROPRIATE ORDERS/DIRECTIONS ON IA 26195/2021

IA No. 26195/2021 - APPROPRIATE ORDERS/DIRECTIONS)

C.A. No. 2147/2020 (III)

(FOR

FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA

139308/2017

FOR EXEMPTION FROM FILING O.T. ON IA 139309/2017

IA No. 139308/2017 - EXEMPTION FROM FILING C/C OF THE IMPUGNED

JUDGMENT

IA No. 139309/2017 - EXEMPTION FROM FILING O.T.)

C.A. No. 2145/2020 (III)

(FOR

FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA

139317/2017

FOR EXEMPTION FROM FILING O.T. ON IA 139321/2017

IA No. 139317/2017 - EXEMPTION FROM FILING C/C OF THE IMPUGNED

JUDGMENT

IA No. 139321/2017 - EXEMPTION FROM FILING O.T.)

C.A. No. 2148/2020 (III)

(FOR

FOR CONDONATION OF DELAY IN FILING ON IA 97512/2018

FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA 97515/2018

FOR EXEMPTION FROM FILING O.T. ON IA 97517/2018

IA No. 97512/2018 - CONDONATION OF DELAY IN FILING

IA No. 97515/2018 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA No. 97517/2018 - EXEMPTION FROM FILING O.T.)

C.A. No. 2152/2020 (III)

(FOR

FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA 151810/2018

FOR EXEMPTION FROM FILING O.T. ON IA 151811/2018

IA No. 151810/2018 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA No. 151811/2018 - EXEMPTION FROM FILING O.T.)

C.A. No. 2151/2020 (III)

(FOR

FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA 152299/2018

FOR EXEMPTION FROM FILING O.T. ON IA 152301/2018

IA No. 152299/2018 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA No. 152301/2018 - EXEMPTION FROM FILING O.T.)

C.A. No. 2150/2020 (III)

(FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA 154357/2018

FOR EXEMPTION FROM FILING O.T. ON IA 154358/2018

IA No. 154357/2018 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA No. 154358/2018 - EXEMPTION FROM FILING O.T.)

C.A. No. 2149/2020 (III)

(FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA 151840/2018

FOR EXEMPTION FROM FILING O.T. ON IA 151851/2018

IA No. 151840/2018 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA No. 151851/2018 - EXEMPTION FROM FILING O.T.)

C.A. No. 2153/2020 (III)

(FOR

FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA 136254/2019

FOR EXEMPTION FROM FILING O.T. ON IA 136255/2019

IA No. 136254/2019 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA No. 136255/2019 - EXEMPTION FROM FILING O.T.)

C.A. No. 2154/2020 (III)

(FOR

FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA 137225/2019

FOR EXEMPTION FROM FILING O.T. ON IA 137226/2019

IA No. 137225/2019 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA No. 137226/2019 - EXEMPTION FROM FILING O.T.)

C.A. No. 2157/2020 (III)
 (FOR
 FOR CONDONATION OF DELAY IN FILING ON IA 141483/2019
 FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA
 141484/2019
 FOR EXEMPTION FROM FILING O.T. ON IA 141485/2019
 IA No. 141484/2019 - EXEMPTION FROM FILING C/C OF THE IMPUGNED
 JUDGMENT
 IA No. 141485/2019 - EXEMPTION FROM FILING O.T.)

C.A. No. 2155/2020 (III)
 (FOR ADMISSION and I.R. and IA No.197174/2019-CONDONATION OF DELAY
 IN FILING and IA No.197175/2019-EXEMPTION FROM FILING C/C OF THE
 IMPUGNED JUDGMENT and IA No.197176/2019-EXEMPTION FROM FILING O.T.)

C.A. No. 2156/2020 (III)
 (FOR ADMISSION and I.R. and IA No.4458/2020-CONDONATION OF DELAY IN
 FILING and IA No.4460/2020-EXEMPTION FROM FILING C/C OF THE
 IMPUGNED JUDGMENT and IA No.4462/2020-EXEMPTION FROM FILING O.T.)

C.A. No. 2158/2020 (III)
 (FOR ADMISSION and I.R. and IA No.197309/2019-CONDONATION OF DELAY
 IN FILING and IA No.197311/2019-EXEMPTION FROM FILING C/C OF THE
 IMPUGNED JUDGMENT and IA No.197312/2019-EXEMPTION FROM FILING O.T.)

C.A. No. 3566/2020 (III)
 (FOR ADMISSION and I.R. and IA No.88831/2020-EXEMPTION FROM FILING
 C/C OF THE IMPUGNED JUDGMENT and IA No.88833/2020-EXEMPTION FROM
 FILING O.T. and IA No.88834/2020-EXEMPTION FROM FILING AFFIDAVIT
 IA No. 88834/2020 - EXEMPTION FROM FILING AFFIDAVIT
 IA No. 88831/2020 - EXEMPTION FROM FILING C/C OF THE IMPUGNED
 JUDGMENT
 IA No. 88833/2020 - EXEMPTION FROM FILING O.T.)

Date : 03-08-2021 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE L. NAGESWARA RAO
 HON'BLE MR. JUSTICE ANIRUDDHA BOSE

For the parties :

Mr. Sachin Patil, AOR
 Mr. Rahul Chitnis, Adv.
 Mr. Aaditya A. Pande, Adv.
 Mr. Geo Joseph, Adv.

Mr. M. Y. Deshmukh, AOR
 Ms. Manjeet Kirpal, Adv.

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 Mr. Arijit Prasad, Sr. Adv
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 Ms. R.R. Rajesh , Adv
 Mr. Amrish Kumar, AOR

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Mr. Aditya S. Jadhav, Adv.
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Mr. Satyajit A Desai, Adv.
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Mr. Satya Kam Sharma, Adv.

Mr. K. Parameshwar, Adv
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Mr. Sudhanshu S. Choudhari, AOR

Mr. Nitin Bhardwaj, AOR

Mr. Nishant Ramakantrao Katneshwarkar, AOR

Mr. Atul Babasaheb Dakh, AOR

Mrs. Anil Katiyar, AOR

Mr. Rajat Joseph, AOR

UPON hearing the counsel the Court made the following
O R D E R

The Civil Appeals are dismissed in terms of the signed order.

Pending application(s), if any, shall stand disposed of.

(NIRMALA NEGI)
COURT MASTER (SH)

(ANAND PRAKASH)
BRANCH OFFICER

(Signed order is placed on the file)