



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO. 4134 OF 2024

(Ayush S/o Sachin Pawade & Ors.

Vs.

State of Maharashtra & Ors.)

Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. Ashwin Deshpande, Advocate for the Petitioners.
Mr. A.M. Joshi, AGP for the Respondent/State.
Mr. A.G. Baheti, Advocate for the Respondent No.2.
Mr. A.J. Gilda, Advocate for the Respondent No.4.
Mr. A.A. Naik, Senior Advocate a/b Mr. R.R. Deo, Advocate for the Respondent No.5.

**CORAM: AVINASH G. GHAROTE AND
ABHAY J. MANTRI, JJ.**

DATED : 28th MARCH, 2025

1. Heard.
2. Mr. Gilda, learned Counsel for the Respondent No.4/The Fees Regulating Authority, submits that the Authority has a very limited role to play in the matter inasmuch as the payment of stipend is to be decided by the College and if the College decides to grant it to the students, on par with the Government Resolution dated 27.02.2024 read with Notification dated 18.11.2021 by the National Medical Commission, the Fees Regulating Authority, would have no reason to disagree with the same.
3. Mr. Naik, learned Senior Counsel for the Respondent No.5/College submits, that the Petitioners are

students, who have been granted admission in the Socially and Educationally Backward Classes (SEBC) category, whose fees are being paid by the State, which would include stipend paid to them. All these students, would have originally secured admission in the Government Medical Colleges, but for the implementation of the SEBC reservation, on account of which, to accomodate candidates belonging to the said category of reservation in Government Medical Colleges, the present Petitioners were shifted to the private Medical Colleges, on account of which, the Petitioners now stand admitted with the Respondent No.5/College. However, because of this shifting, the fees of these students, though they belong to Open category, is being paid by the State, on account of the adjustment of the reservation candidates as indicated above.

4. As of now, the Petitioners are getting stipend of Rs.4,000/-, which the Respondent No.5, shall ensure to be paid up to date during the course of this month.

5. He further contends, that insofar as the other students are concerned, since the fees are to be borne by them, as fixed by the Fees Regulating Authority, which includes the stipend to be paid to them, bringing the stipend paid to them on par with what the students enrolled in the Government Institutions are concerned, would only result, in the students themselves, contributing for the enhanced stipend. This is analogue to taking the money from the students and paying them back as stipend, on account of which the students, who have been granted admission,

besides the quota of any nature, cannot be equated for this purpose.

6. Since the present Petitioners are being enrolled from the SEBC quota, the learned AGP shall take instructions, as to whether the State is willing to pay the stipend on par with what the students enrolled in the Government Institutions are getting, as originally students were entitled to get enrolled in the Government Medical Colleges.

7. List the matter on **09.04.2025**, by which time, the learned AGP assures to take instructions and make a statement in that regard.

(ABHAY J. MANTRI, J.)

(AVINASH G. GHAROTE, J.)

SD. Bhimte