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***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION***

***WRIT PETITION NO. 257 OF 2022
with
INTERIM APPLICATION (ST.) NO. 26879 OF 2023***

Association of the Management of
Un-aided Engineering Colleges and Ors. ... Petitioners
V/s.

Higher and Technical Education Department
Through Additional Chief Secretary and Ors. ... Respondent

***with
WRIT PETITION NO. 259 OF 2022
with
INTERIM APPLICATION (ST.) NO. 26902 OF 2023***

***in
WRIT PETITION NO. 259 OF 2022
with
WRIT PETITION NO. 255 OF 2022
with
INTERIM APPLICATION NO. 16602 OF 2023***

***in
WRIT PETITION NO. 255 OF 2022
with
WRIT PETITION NO. 258 OF 2022
with
WRIT PETITION NO. 256 OF 2022
with
WRIT PETITION NO. 3722 OF 2021
with
WRIT PETITION NO. 13225 OF 2023***

with
WRIT PETITION NO. 2543 OF 2021
with
WRIT PETITION NO. 12056 OF 2023
with
WRIT PETITION NO. 12041 OF 2023
with
WRIT PETITION NO. 12065 OF 2023
with
WRIT PETITION NO. 12067 OF 2023
with
WRIT PETITION NO. 15524 OF 2022
with
WRIT PETITION NO. 15527 OF 2022
with
INTERIM APPLICATION (ST.) NO. 26928 OF 2023
in
WRIT PETITION NO. 15527 OF 2022
with
WRIT PETITION NO. 15520 OF 2022
with
WRIT PETITION NO. 15519 OF 2022

Mr. P.B. Shah with Ms. Gunjan Shah i/b. Mr. Sandeep Ramesh Waghmare for the Petitioners in 257/22, 258/23, 12065/23, 12067/23, 15524/22 and 15519/22

Mr. Sandeep Ramesh Waghmare for the Petitioners in WP Nos. 255/22, 12041/23, 15527/22, 259/22, 256/22, 2543/21, 12056/23 and 15520/22

Mr. Sugandh B. Deshmukh for the Petitioner in WP 3722/21

Mr. Rui Rodrigues with Mr. A.R. Varma and Vineet Jain for the Respondent No.1 in WP Nos. 15524/22, 15519/22, 15520/22 and 15527/22

Mr. Rui Rodrigues with Mr. P.J. Khosla and Mr. A.R. Varma for Respondent No.3 in WP No. 12056/23, 12065/23, 12067/23 and 12041/23

Mr. B.V. Samant, Addl. G.P. for the Respondent – State
Mr. Balasaheb Yewale for Respondent No.9 in WP 15520/22

***CORAM : NITIN JAMDAR &
MANJUSHA DESHPANDE, JJ.***

DATE : 01 NOVEMBER 2023

P.C. :-

This group of Petitions concern the policy of the State Government for reimbursement to the Reserve Category students i.e. students belonging to Scheduled Caste, Scheduled Tribe, Vimukta Jatis, Nomadic Tribes, Other Backward Class and Special Backward Class and Economically Backward Class students pursuing education in various streams. The scheme was introduced in the year 2006 and 2007. It is implemented through schemes of different departments of the State Government.

2. These Petitions have been adjourned from time to time. On the last occasion when it was transpired that the claims of the Petitioners would pertain to different departments of the State Government and the co-ordination between the departments regarding calculations, modalities was taking time, the State was directed to formulate a mechanism as to deal with the issue and how co-ordination could be achieved between the departments.

3. The learned Addl. Govt. Pleader has placed before us communication dated 31 October 2023 issued to the Office of the

Government Pleader stating that the Nodal Officer would work for these departments i.e. Higher and Technical Education Department, Social Justice and Special assistance Department, Tribal Development Department, VJ, NT, OBC & SBC Department, Agriculture, Animal Husbandry, Dairy and Fishery Department and Medical Education and Drugs Department. The claim of the Petitioners for reimbursement as per the policies is against all these departments that the Petitioners would be entitled to reimburse under the Scheme, if the requisite norms are followed as not in dispute.

4. The learned Addl. Govt. Pleader states that the issue can be seen at two levels. First ongoing process of the reimbursement and the second of backlog of payment for the year 2022-23 and part of the year 2021-22. The learned Addl. Govt. Pleader points out from the instructions received that as of today the backlog of payments due from six departments is Rs.3601.66 crores. Then reference is only made to the budget available with the Higher and Technical Education of Rs.107.00 crores out of which further reference is made to Rs.58.00 crores which would be paid after following the requisite procedure. Therefore, on the State's own showing, there is an amount of Rs.3601.66 crores pending towards reimbursement of such colleges.

5. Though it is true that while reimbursing the amount in respect of calculations and record in respect of each of the students will have to be examined and the procedure laid down under the Government Resolution will have to be followed, it cannot be denied that the Petitioners before us are not entitled to any reimbursement at all.

6. Therefore, while the process of collecting data as regard the final disbursement continues, the State should consider releasing part of the dues on ad-hoc basis to each of these Petitioners before us subject to adjustment, as the Policy is still continuing. It can be subject to adjustments and necessary undertaking of the colleges that the amount to be released subject to undertaking for further modalities, etc.

7. We are also aware that there could be technical difficulties in releasing ad-hoc amount but the State should also be conscious of the financial implications on each of the colleges when several restrictions are put on the colleges regarding their fee structures. While implementing this financial policy in favour of the students who no doubt need it, it cannot result in extreme hardship to the Institutions.

8. Since now the Nodal Department is the Higher and Technical Education Department as instructed by the Chief

Secretary, let the Higher and Technical Education Department submit a proposal to the Chief Secretary above lines to work out the feasibility of providing ad-hoc solace to the Petitioners. The Court be informed that the decision is taken by the next date.

9. Stand over to **29 November 2023** under the caption “**For Directions**”.

MANJUSHA DESHPANDE, J.

NITIN JAMDAR, J.