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HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 2265 of 2015

1. Hemsagar Patel S/o Shri Tikaram Patel, Aged About 27 Years R/o Village And Post Madwa, P.S. & Tahsil Dabhara, Civil & Revenue District Janjgir Champa Chhattisgarh
2. Hemant Kumar Dewangan, S/o Shri S.L. Dewangan, Aged About 26 Years R/o Shivaji Nagar, Rudri Road Dhamtari, P.S. & Tahsil Dhamtari, Civil & Revenue District Dhamtari Chhattisgarh
3. Dr. Pravish Sharma, S/o Shri Arvind Kumar Sharma, Aged About 25 Years R/o Behind Railway Maharastra Mandal Tikrapara Bilaspur, P.S. Torva, Civil & Revenue District Bilaspur Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary Health And Family Department, Mahanadi Bhawan Capital Complex New Raipur, District Raipur Chhattisgarh
2. Director Of Medical Education, Old Nurses Hostel, D.K.S. Bhawan Premises Raipur, District Raipur Chhattisgarh
3. Dean, Pandit Jawahar Lal Nehru Medical College (Autonomus) Raipur, District Raipur Chhattisgarh

---- Respondents

And

WPC No. 2266 Of 2015

- Digvijay Kumar Patel S/o Shri Ramkumar Patel, Aged About 27 Years R/o Village Bedparsada Post Tikari, P.S. & Tahsil Bilaspur, Civil & Revenue Distt. Bilaspur, (Chhattisgarh)

---- Petitioner

Vs

1. State Of Chhattisgarh Through The Secretary, Health And Family Welfare Department, Mahanadi Bhawan Capital Complex, New Raipur, Distt. Raipur, (Chhattisgarh)
2. Director, Technical Education Directorate, Mahanadi Bhawan, Capital Complex, New Raipur, Distt. Raipur, (Chhattisgarh)
3. Registrar, Chouksey Engineering College, Bilaspur, Lal Khadan Masturi Road Bilaspur, P.S. Torva, Civil & Revenue Distt. Bilaspur,

(Chhattisgarh)

---- Respondents

For Petitioners	Ms. Madhunisha Singh, Advocate
For Respondent/State	Shri Adhiraj Surana, Dy. GA

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board By

17/12/2015

1. With the consent of the learned counsel for the parties, the matter is heard finally.
2. The petitioners in WPC No.2265/2015 are MBBS students in Pandit Jawahar Lal Nehru Medical College (Autonomous), Raipur, whereas the petitioner in WPC No.2266/2015 is an engineering student of private engineering college namely, Chouksey Engineering College, Bilaspur.
3. In both the writ petitions, the petitioners have claimed refund of tuition fee on the ground that in view of the circular issued by the State Government on 30.11.1989, they are entitled to exemption/refund of tuition fee, because the petitioners are holders of Green Card.
4. Learned counsel for the petitioners would submit that similar writ petitions bearing **WPC No.7162/2011 (Sushil Kumar Banchhor and others v. State of Chhattisgarh and others)** and **WPC No.509/2013 (Tikendra Dewangan and others v. State of Chhattisgarh and others)** have been decided in favour of the students. The first order passed by this Court on the issue in the matter of **Dr. (Major) Thakur**

Ajit Singh and others v. State of Chhattisgarh and others in WPC No.7222/2009 has been affirmed by the Division Bench in **Writ Appeal No.42/2011 (State of Chhattisgarh and others v. Dr. (Major) Thakur Ajit Singh and others)**, decided on **04.04.2014**, therefore, the issue being no longer *res integra*, the petitioners are also entitled for similar relief.

5. Learned State counsel would submit that the petitioners of WPC No.2265/2015 are studying in Government Medical College, whereas the petitioner of WPC No.2266/2015 is a student of private engineering college, therefore, let the petitioners prefer representation before the respective competent authority of the college so that the authorities will examine the matter and take appropriate decision in accordance with law laid down by this Court.
6. In view of the statement made by the learned State counsel, the writ petitions are disposed of with a direction that in the event, the petitioners prefer representation before the competent authority of their respective college within a period of 15 days from today, the said competent authority shall consider and decide the petitioners' representation within a further period of 2 months by a speaking order, in accordance with law, settled by this Court in the matter of **Dr. (Major) Thakur Ajit Singh and others** (supra).

Sd/-

JUDGE

PRASHANT KUMAR MISHRA