

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No.1184 of 2016

1. Mohnish Khutel S/o Shri Jogheshwar Prasad Khutel, Aged About 23 Years
Occupation M.B.B.S. Student, C.I.M.S. R/o Qtr No. 10/ F, 100 Unit, Nandini
Nagar, Bhilai, District Durg Chhattisgarh
2. Yogeshwar Prasad Jaiswal, S/o Shri Virendra Prasad Jaiswal, Aged About 24
Years Cooupation M.B.B.S. Student C.I.M.S. R/o Vilage Sirpur, Tah. Bilaigarh,
P.S. Bilaigarh, District Baloda Bazar Chhattisgarh
3. Kamlesh Patel S/o Shri Premlal Patel, Aged About 26 Years Occupation
M.B.B.S. Student, C.I.M.S. R/o Village Navrangpur, Post Patsendri, Tah
Sarraipali, District Mahasamund Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Department Health And Family Welfare, New Mantralaya,
Mahanadi Bhawan, New Raipur Chhattisgarh
2. Director Of Medical Education, Old Nurses Hostel, D.K.S. Bhawan Premises,
Raipur Chhattisgarh
3. D E A N Chhattisgarh Institute Of Medical Science (C.I.M.S.) Bilaspur
Chhattisgarh

---- Respondents

Smt. Madhunisha Singh, counsel for the petitioner/s.
Shri Ramakant Mishra, Dy.A.G. for the State/respondents on advance copy.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

04-05-2016

This petition has been filed by the petitioners seeking refund of tuition fee as per Government circular dated 30/11/89 on the ground that parents of respective petitioners are green card holders.

2. Learned counsel for the petitioners submits that the issue is no longer *res integra* in view of orders passed by this Court in WPC No.7162/11 and WPC No.1262/2012 and batch of petitions. It is also submitted that the State had preferred writ appeal which was also dismissed by this Court in W.A. No.42/2011 and batch of appeals vide order dated 04/04/2014.

3. A perusal of the aforesaid decision clearly shows that the issue with regard to relaxation / exemption in the matter of payment of tuition fee to those students, whose

parents are holders of green card have been decided by this Court. The petitioners have placed before this Court, green card issued in respect of parents of the petitioners.

4. In view of above, the petitioners are also entitled to the same benefit subject to the verification of green card on the basis of which relief is sought.

5. Accordingly, the petition is allowed with a direction that upon due verification of the green card, the petitioners be also granted the same benefit as has been awarded by this Court in aforementioned petitions.

Sd/-

(Manindra Mohan Shrivastava)
Judge