

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Appeal No.407 of 2016**

1. State of Chhattisgarh, through Secretary, Department of Technical Education, Manpower, Science & Technology Department, Mahanadi Bhawan, Naya Mantralaya, Naya Raipur, P.S. Rakhi, Raipur, Chhattisgarh
2. The Director, Directorate of Technical Education, Indrawati Bhawan, P.S. Rakhi, Naya Raipur, Chhattisgarh

---- Appellants**versus**

1. Smt. Anuradha Chandrakar, W/o Shri C.L. Chandrakar, aged about 48 years, R/o Bittu Cement Gali, Behind Dr. Shukla, Ward No.41, Durg, District Durg, Chhattisgarh
2. Ku. Akanchha Chandrakar, aged 23 years, D/o Shri C.L. Chandrakar, R/o Bittu Cement Gali, Behind Dr. Shukla, Ward No.41, Durg, District Durg, Chhattisgarh
3. The Principal, Chatrapati Shivaji Institute of Technology, Balod Road, Durg, P.S. Pulgaon, District Durg, Chhattisgarh

---- Respondents

For Appellants/State	:	Shri Prafull N. Bharat, Additional Advocate General
For Respondents	:	None

Hon'ble Shri Deepak Gupta, Chief Justice
Hon'ble Shri Justice Sanjay Agrawal

Judgment on Board**Per Deepak Gupta, Chief Justice****16.11.2016**

1. By this appeal, the State has challenged the order dated 6.4.2016 passed by a Learned Single Judge of this Court in Writ Petition (C) No.860 of 2016 directing that the green card of Writ Petitioner No.1 be verified and if it is found to be a valid green card then Writ Petitioner No.2, who got admission in Chhatrapati Shivaji Institute of Technology, Balod Road, Durg be granted the same benefit as has been granted to the Writ Petitioners in Writ Petition (C) No.7162 of 2011, which order was confirmed in Writ Appeal No.42 of 2011.
2. The main contention of the State is that the Writ Petitioner No.2 has got admission in a private engineering college and all the judgments referred to by the Learned Single Judge, which have been annexed

with this appeal, clearly relate to Government Medical Colleges and it is only a Government policy that refund of fee shall be made in those cases where admission has been taken in Government institutions and the students granted admission belongs to the green card category.

3. We are of the view that this appeal on behalf of the State is not maintainable. The fee is not to be refunded by the State but the fee, if any, has to be refunded by Chhatrapati Shivaji Institute of Technology, Balod Road, Durg. The State has not charged any fee. Therefore, question of refund of fee by the State does not arise. If fee has to be refunded by Respondent No.3, then it is Respondent No.3 who will have to file an appeal. This appeal on behalf of the State is not maintainable and is accordingly dismissed as not maintainable. We, however, make it clear that we have not expressed any opinion on the merits of the case, which we will decide in an appropriate case.

Sd/-

(Deepak Gupta)
CHIEF JUSTICE

Sd/-

(Sanjay Agrawal)
JUDGE