

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 2621 of 2016

1. Chhabilal Sao S/o Shri Nirbhay Ram, Aged About 50 Years R/o Village Ruchida, P.S. & Tahsil Pusaur, Distt Raigarh, Civil And Revenue Distt. Raigarh, (Chhattisgarh)
2. Hemant Kumar, S/o Shri Chhabilal Sao, Aged About 23 Years R/o Village Ruchida, P.S. & Tahsil Pusaur, Distt. Raigarh, Civil And Revenue Distt. Raigarh, (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Department Of Technical Education, Mahanadi Bhavan, Mantralaya, New Raipur, (Chhattisgarh)
2. Director Of Technical Education, Directorate, Indrawati Bhavan, New Raipur, (Chhattisgarh)
3. Principal, Shri Shankracharya Engineer College, Bhilai, Shri Shankracharya Technical Campus, Junwani, Bhilai (Chhattisgarh)

---- Respondent

For Petitioners
For Respondent/State

Shri M.K. Sinha, Advocate
Shri R.K. Mishra, Dy. Adv. General

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

26/10/2016

1. This petition has been preferred seeking direction to the respondent authority to refund the tuition fees recovered from

the petitioners while pursuing B.E. Course in the respondent No.3 college namely; Shri Shankracharya Engineering College, Bhilai.

2. Prayer has been made on the strength of order passed by this Court in **Dr. (Major) Thakur Ajit Singh and Others v. State of Chhattisgarh and Others** (WPC No.7222 of 2009) affirmed in WA No.42 of 2011.
3. Learned Deputy Advocate General appearing for the State would submit that in **Dr. (Major) Thakur Ajit Singh** (supra), the students were imparted education in a Government College, therefore, they have been given benefit of circular issued by the State Government, which applies to a Government institution whereas the present respondent No.3 is a private College. He would refer to the law laid down by the Supreme Court in **Principal, Madhav Institute of Technology & Science v. Rajendra Singh Yadav and Others** reported in **(2000) 6 SCC 608**.
4. At this stage, Shri Sinha, learned counsel appearing for the petitioner, would submit that the respondent No.3 is, in fact, an aided college, therefore, all the circulars issued by the State Government pertaining to exemption from payment of tuition

fees would apply and therefore, the judgment rendered by this Court in **Dr. (Major) Thakur Ajit Singh** (supra) would also apply to the facts of the present case.

5. Considering the entire facts situation of the case, the writ petition is disposed of with a direction that in the event the petitioners prefer representation before the respondent No.2 seeking exemption from payment of tuition fees and refund of the tuition fees paid by them while pursuing B.E. Course within a period of 15 days from today, the respondent No.2, in consultation with the respondent No.3, shall consider and decide the representation of the petitioners by a reasoned order within in a further period of six weeks.
6. It is made clear that this Court has not expressed any opinion on the merits of the case and the respondent authorities shall decide the representation, on its own merits, strictly in accordance with law, without treating any observation made in this order, as opinion on the merits of the case.

Sd/-
Prashant Kumar Mishra
Judge

Gowri