

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 739 of 2017

- Dr. Ruchi Shukla D/o Shri Rajkumar Shukla, Aged About 23 Years
Pandit Jawaharlal Nehru Medical College, Raipur (Chhattisgarh) R/o
Village And Post Chandiya, Tahsil Chandiya, District Umariya
(Madhya Pradesh).

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of 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. Dean, Pt. Jawaharlal Nehru Medical College, Raipur (Chhattisgarh).

---- Respondents

For Petitioner	:	Smt. Madhunisha Singh, Advocate
For State	:	Shri Chandresh Shrivastava, Panel Lawyer

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

28/03/2017

1. The petitioner has prayed for a direction to respondent-authority to refund the tuition fee paid by the petitioner, in the light of Circular dated 30/11/1989, in view of the fact that mother of the petitioner is a green card holder and, therefore, she is entitled to exemption from payment of fee.
2. Learned counsel for the petitioner submits that this issue is no longer res-integra and authoritatively decided by this Court in number of cases one of them being WPC No. 28 of 2017 relying upon earlier order passed in WPC No. 7162 of 2011 and batch of petitions. It is also submitted that on writ appeal being preferred, the order has been affirmed and SLP has also been dismissed.
3. Learned counsel for the State could not dispute the legal position. He,

however, submits that the matter would require examination and verification of facts.

4. In view of the above, the petition is finally disposed off with a direction to respondents to examine the case of the petitioner for grant of exemption from payment of fee and consequent refund in view of the orders passed earlier by this Court in aforementioned cases and take appropriate decisions within an outer limit of three months from the date of receipt of copy of this order. If upon verification, the petitioner is found entitled to same relief, the fee already paid by the petitioner shall be refunded to him.

Sd/-
(Manindra Mohan Shrivastava)
Judge