

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WRIT PETITION (C) NO. 1996 OF 2012**

1. Narendra Kumar Shriwas S/o Janak Ram Shriwas, aged about 47 years, Q.No. LIG 109, Devrikhurd, Police Station Torwa, Bilaspur (C.G.)
2. Smt. Sangeeta W/o Narendra Kumar Shriwas, aged about 41 Years, Q.No. LIG 109, Devarikhurd, Bilaspur, Police Station Torwa, District Bilaspur (C.G.)
3. Vishal Shriwas S/o Narendra Kumar Shriwas, aged about 21 years, Q.No. LIG 109, Devarikhurd, Police Station Torwa, District Bilaspur (C.G.)

... Petitioners**versus**

1. State of Chhattisgarh, through the Secretary Department of Technical Education, DKS Bhawan, Raipur (C.G.)
2. The Director/Commissioner of Technical Education, Directorate of Technical Education, Govt. Girls Polytechnic Premises, Byron Bazar, Raipur (C.G.)
3. Principal, Vindhya Institute of Technology and Science, Parastarai, Dharsiwa, Raipur, District Raipur (C.G.)

... Respondents

For Petitioners	:	Mr. Dharmesh Shrivastava, Advocate.
For Respondents	:	Mr. Shashank Thakur, Govt. Advocate.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****20/07/2018**

1. The claim of the Petitioner in the instant case is for a direction to the Respondents for refund of the entire tuition fees paid by Petitioner No.1 so far as his son, Petitioner No.3, is concerned with interest at the rate of 17% per annum.
2. The relief sought for by the Petitioner was on the basis of the Circular applicable in the State of Chhattisgarh for those persons who are Green Card Holders and where the State Government as per the policy decision has taken a decision for exempting the children from paying tuition fees while undertaking the mechanical and engineering courses.
3. Learned Counsels appearing on either side do not dispute the fact that the issue involved in the present writ petition stands squarely covered by a decision of this Court W.P.C. No. 7222/2009 decided on 27.9.2010. The said judgement has since also been affirmed by a Division Bench of this Court in W.A. No. 42/2011 which stood decided on 4.4.2014.

4. In the light of the issue already having been decided by this Court in an identically placed matter and the judgment also getting affirmed from the aforementioned Division Bench judgment in a writ appeal, this Court is also inclined to take a similar view and the present writ petition accordingly stands allowed in similar terms.

5. The Petitioners shall be entitled for refund of the tuition fees as per the conditions mentioned in the Green Card, provided the Petitioner No.3 has undertaken his courses from a Government institution.

6. The writ petition stands disposed of accordingly.

Sd/-

(P. Sam Koshy)
Judge