

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
Writ Petition (C) No. 1375 of 2012

Rajkumar Diwan S/o Pawan Diwan aged about 29 years, Occupation Student (MDS 3rd Year) R/o Near Sai Mandir, Kelabadhi, District Durg, Chhattisgarh.

---- Petitioner

Versus

1. State of Chhattisgarh, Through Secretary, Department of Health & Family Welfare, DKS Bhawan, Raipur, Chhattisgarh.
2. Chhattisgarh Dental College and Research Institute, run by Youth Foundation of India, a Society through its Secretary, Chhattisgarh Dental College and Research Institute, Rajnandgaon, District Rajnandgaon, Chhattisgarh.
3. Ayush and Health Science University of Chhattisgarh Through its Secretary, GE Road, Raipur, District Raipur, Chhattisgarh.

---- Respondents

For Petitioner	: Shri Awadh Tripathi, Advocate.
For Respondent/State	: Shri UNS Deo, Government Advocate.
For Respondent No. 2	: Shri Saurabh Dangi, Advocate.

Hon'ble Shri Ajay Kumar Tripathi, Chief Justice
Hon'ble Shri Prashant Kumar Mishra, Judge

Order on Board

Per Ajay Kumar Tripathi, Chief Justice

14/08/2018

1. Heard counsel for the parties.
2. In the present writ application, the prayer of the Petitioner, who happens to be a former student of MDS of the Respondent No. 2-Institution, a direction has been sought for refund of excess fee which has been charged from him for admission for the academic sessions 2009-2010 and 2010-2011. It is his case that he was compelled to pay a sum of Rs. 5,00,000/- to the Respondent No. 2-Institution for getting admission to

the MDS course for the two years in question whereas in terms of the entitlement, the same should not have been more than Rs.3,10,000/- with caution money of Rs. 25,000/- as one time.

3. This Court, while dealing with the writ application of Respondent No. 2-Institution, which is Writ Petition (C) No. 2077 of 2012 (*Chhattisgarh Dental College & Research Institute v. State of Chhattisgarh & Others*), has passed a detailed reasoned order wherein the effort made by the Institution to justify acceptance of fee of Rs. 5,00,000/- from students has been negated. The reason provided in the order dated 14.08.2018 passed in the said petition therefore leaves no option to this Court but to direct Respondent No. 2 that they have an obligation to refund to the Petitioner the excess tuition fee which they have demanded and charged over and above the fee fixed by the Admission and Fee Regulatory Committee (hereinafter called 'the AFRC') i.e. the difference between Rs.3,10,000/- which the Institution was entitled to and Rs.5,00,000/- which had compelled to be paid by the Petitioner to the Institution.
4. The writ application is allowed. The Respondent No. 2-Institution is directed to refund the excess amount charged over and above Rs.3,10,000/- to the Petitioner within a period of eight weeks from today. If the Respondent No. 2-Institution does not pay the said amount within the period specified above, then the Petitioner may be entitled to payment of interest on the refundable amount at the rate of 12% per annum from the year 2012 till the date of payment.

Sd/-
(Ajay Kumar Tripathi)
CHIEF JUSTICE

Sd/-
(Prashant Kumar Mishra)
JUDGE