

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 2398 of 2014**

- Rishikesh Tamrakar S/o Anil Tamrakar Aged About 25 Years R/o Ward No. 6, Near Jain Dharamshala, Kopebhata, Post And P.S. Gandai, Pandariya, Tahsil Chhukhadan, Civil And Revenue District Rajnandgaon C.G.

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Secretary Department Of Technical Education, Janshakti Niyojan, Science And Technology, Mahanadi Bhavan, Mantralaya, New Raipur, Dist. Raipur C.G.
2. Director, Admission And Fee Regulatory Committee, Directorate Technical Education Campus, Bairan Bazaar, District Raipur (C.G.) 492001
3. Registrar, Chhattisgarh Institute Of Technology, Near Parri Nala, G.E. Road, District Rajnandgaon (C.G.)

---- Respondent

For Petitioner : Shri Ajay Thakre, Advocate.
For Respondent/State : Shri Shashank Thakur, Govt. Advocate.
For Respondent No.3 : Shri Pallav Mishra on behalf of Shri Samir Singh, Adv.

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****21/08/2018 :**

1. The petitioner is claiming refund of Rs.42,850/- from the respondent-college where he was admitted in the BE Course in the year 2008.
2. According to the petitioner's counsel, Admission and Fee Regulatory Committee has directed for refund of only Rs.12,400/- whereas the entire amount of Rs.42,850/- should have been refunded.
3. Material available on record would indicate that during the relevant period the college was charging Rs.22,400/- as Tuition Fee per

semester. In the first year, the petitioner paid Rs.48,000/- instead of Rs.44,800/-, therefore, for the said year, the Committee has directed refund of Rs.3,200/-. Similar is the case for the second year, therefore, for this year also, refund of Rs.3,200/- has been directed. The petitioner was also charged Development Charges @ Rs.1,500/- for 5th, 6th, 7th & 8th semester, which ought not to have been charged, therefore, this amount totalling Rs.6,000/- has also been directed to be refunded.

4. The petitioner has not pointed out as to on what other heads the college has charged fee or charges in excess of the prescribed fee. The charges on other heads like cultural programme, sports fee, uniform fee, seminar, training placement, paper presentation and technical events have been paid by the petitioner in lieu of the services obtained by him. Before the Committee, the college has placed materials to demonstrate that charges on these heads were not levied on 79 students who did not avail the facility. Therefore, on petitioner's own showing, when he has availed the service, he was liable to pay the charges and the same have been recovered from him, which cannot be said to be illegal or arbitrary.
5. In the considered opinion of this Court, the petitioner is not entitled for refund of more than what has been allowed by the Committee.
6. The Writ Petition has no substance, the same deserves to be and is hereby dismissed.

Sd/-
Judge
(Prashant Kumar Mishra)