

Rajkumar Diwan Vs State Of Chhattisgarh And Ors

Court: Chhattisgarh High Court

Date of Decision: Aug. 14, 2018

Hon'ble Judges: Ajay Kumar Tripathi, CJ; Prashant Kumar Mishra, J

Bench: Division Bench

Advocate: Awadh Tripathi, UNS Deo, Saurabh Dangi

Final Decision: Allowed

Judgement

Ajay Kumar Tripathi, CJ

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.