
(2005) 02 MP CK 0079

In the Madhya Pradesh High Court

Case No : Writ Petition No. 3737 of 2004

Devel Sharma and Others

APPELLANT

Vs

State of Madhya Pradesh and Others

RESPONDENT

Date of Decision : 03-02-2005

Acts Referred:

Citation : (2005) 2 MPHT 106 : (2005) 2 MPLJ 4

Hon'ble Judges : R.V. Raveendran, C.J.;S.S. Kemkar, J

Bench : Division Bench

Advocate : Aditya Sanghi, for the Appellant; R.S. Jha, A.A.G. for the Respondent Nos. 1 and 2 and Ravindra Shrivastava and Shashank Verma, for the Respondent No. 4, for the Respondent

Judgement

R.V. Raveendran, C.J.

Petitioner Nos. 1 to 44 in this petition have been admitted to R.D. Gardi Medical College, Ujjain (fourth respondent) to M.B.B.S. Course during academic year 2003-2004. Each of them claims to have paid a sum of Rs. 4,28,000/- (towards fee, caution money and other charges) at the time of admission to the M.B.B.S. Course, to the fourth respondent College.

The Committee for fixation of fee for professional Institutions has passed an order fixing the annual fee for admission to fourth respondent College as follows :--

Description Fee per annum Tuition Fee : Rs. 1,64,000/- Student Fund : Rs. 1,000/- Caution Money : Rs. 25,000/- Deposit for College (Refundable) Hostel Fees : Rs. 6,000/- Caution Money (Hostel) : Rs. 1,200/- (Refundable)

The petitioners contend that the amount received in excess should be refunded to them. As it was not refunded, the petitioners have filed this petition seeking a direction to the fourth respondent not to charge fee in excess what has been fixed by the Fee Fixation Committee and for refund of the excess amount

charged (or for adjustment thereof towards tuition fee for subsequent year). They have also sought direction to the State to monitor the fee structure for session year 2004-2005 and subsequent year also.

The fourth respondent has filed a return. It has not disputed the fee structure fixed by the Committee. It has also admitted having received Rs. 4,28,000/- from each petitioner, made up as follows :--

Tuition fee : Rs. 3,50,000/- Library Fee : Rs. 10,000/- Caution Money : Rs. 60,000/- Hostel Fee : Rs. 8,000/- _____ Rs. 4,28,000/-

The fourth respondent College is ready to refund the amount received in excess of what is fixed by the Committee or adjust the excess amount towards the fees for the subsequent year, subject, however, to their right to claim any difference if a higher fee is fixed finally by the Fee Fixation Committee or by the Supreme Court where the matter is stated to be pending.

The petitioners agree that the petition may be disposed of on the terms agreed subject to their right to claim further refund, if the Fee Fixation Committee or the Supreme Court reduces the fee fixed by the Committee.

In view of the above, we dispose of the petition with the following directions :--

(a) The fourth respondent shall appropriate Rs. 3,28,000/- (that is Rs. 1,64,000/- per year for 2003-2004 and 2004-2005) and Rs. 25,000/- towards refundable caution money and Rs. 1,000/- as student fund as per the fees fixed by the Committee (and Hostel fee in the case of students staying the College Hostel) and refund the balance out of Rs. 4,28,000/- to each of the petitioners. Such excess shall be refunded to the petitioners within two months from this date.

(b) The tuition fee, caution money and hostel fee paid/payable shall be subject to further final orders that may be passed by the Fee Fixation Committee or orders of the Supreme Court. Depending on such orders, either petitioners will pay the deficit or fourth respondent College will refund the excess.

(c) The petition as against respondent Nos. 1 to 3 is dismissed.

(d) The parties to bear their respective costs.