
(2018) 08 CHH CK 0229
In the Chhattisgarh High Court
Case No : Writ Petition (C) No. 2398 Of 2014

Rishikesh Tamrakar

APPELLANT

Vs

State Of Chhattisgarh And Ors

RESPONDENT

Date of Decision : 21-08-2018

Acts Referred:

Citation : (2018) 08 CHH CK 0229

Hon'ble Judges : Prashant Kumar Mishra, J

Bench : Single Bench

Advocate : Ajay Thakre, Shashank Thakur, Pallav Mishra, Samir Singh

Final Decision : Dismissed

Judgement

Prashant Kumar Mishra, J

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.