

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 2856 OF 2009
(@SPECIAL LEAVE PETITION (CIVIL)NO.24539 OF 2005)

CHANCELLOR, GURU GHASIDAS UNIVERSITY & ORS.

Appellant(s)

VERSUS

SUDIEP SHRIVASTAVA & ORS.

Respondent(s)

WITH C.A.NO.2857 OF 2009 @ SLP(C)No.3764/2006

WITH C.A.NO.2858 OF 2009 @ SLP(C)No.5479/2006

WITH C.A.NO.2859 OF 2009 @ SLP(C)No.7046/2006

WITH C.A.NO.2860 OF 2009 @ SLP(C)No.5510/2006

WITH C.A.NO.2861 OF 2009 @ SLP(C)No.5580/2006

WITH C.A.NO.2862 OF 2009 @ SLP(C)No.5582/2006

WITH C.A.NO.2863 OF 2009 @ SLP(C)No.5584/2006

WITH C.A.NO.2864 OF 2009 @ SLP(C)No.5585/2006

AND WITH C.A.NO.2865 OF 2009 @ SLP(C)No.5636/2006

ORDER

Applications for exemption from filing O.T. and impleadment are allowed.

Leave granted.

The Chhattisgarh Institute of Medical Sciences is a Medical College in Bilaspur in the state of Chhattisgarh. This college is affiliated to the Guru Ghasidas University, who is the appellant in the Civil Appeal @ Special Leave Petition (C)No.24539/2005. The dispute in these appeals is regarding

quantum of fee payable by the students. Some of the students had taken seats against payment seats and some other students got admission against free seats. The students, who had secured admission against payment seats, were initially directed to pay a fee of Rs.2,50,000/-. Thereafter the Fee Committee appointed by the High Court fixed the fee for payment seats at Rs.1,90,000/-. The appellant college demanded the fee of Rs.1,90,000/- from the students who got admission against the payment seats. This is opposed by the students on the ground that they are meritorious students and they should have got admission against the free seats and not the payment seats, and they are liable to pay only Rs.34,500/-, which is the fee levied from the students, who got admission against free seats. Learned counsel for the students also contended that in the institution there shall be only one rate of fee payable by the entire students.

We considered the rival contentions of the parties.

As the Fee Committee prescribed the fee of Rs.1,90,000/- for the payment seats and the same was not challenged by any of the parties neither before the High Court nor before this Court, the same has become final and the fee fixed by the Fee Committee shall be paid by the students who got admission for the academic years 2003-04 and 2004-05 against the payment seats.

We are told that some of the students who got admission against payment seats had paid Rs.2,50,000/-. The college is directed to refund the excess fee received from these students.

As regards some other students who got admission in the year 2005-06, the State Government has, in its affidavit at para 6 has stated that out of them 39 students who got admission against payment seats and since now they have been treated as students for free seats, they are liable to pay only Rs.34,500/-. We record the said statement. The excess fee, if any, paid by these students may be adjusted.

The appeals are disposed of accordingly and the judgment of the High Court is set aside. No costs.

.....CJI.
(K.G. BALAKRISHNAN)

.....J.
(P. SATHASIVAM)

NEW DELHI;
27TH APRIL, 2009.

