



**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

**CIVIL APPEAL NOS. _____ OF 2025
(Arising out of SLP(C) Nos.13977-13980 of 2010)**

**CHHATTISGARH DENTAL COLLEGE
AND RESEARCH INSTITUTE** **...APPELLANT(S)**

VERSUS

SHWETA KABRA AND OTHERS ETC. ...RESPONDENT(S)

WITH

**CIVIL APPEAL NO. _____ OF 2025
(Arising out of SLP(C) No. 14195 of 2010)**

**CIVIL APPEAL NO. _____ OF 2025
(Arising out of SLP(C) No. 14288 of 2010)**

**CIVIL APPEAL NO. _____ OF 2025
(Arising out of SLP(C) No. 18993 of 2010)**

J U D G M E N T

B.R. GAVAI, J.

1. Leave granted.
2. The present appeals challenge the common judgment and final order dated 6th April 2010 passed by the High Court of Chhattisgarh at Bilaspur (hereinafter referred to as, “High Court”) whereby the writ petition filed by appellant-college

objecting to the fee fixation came to be dismissed and a batch of writ petitions filed by the students (admitted to the BDS course in the appellant-college in the academic years 2003-2004 and 2004-2005) came to be allowed thereby directing the students to pay tuition fee at the rate of the fee fixed *i.e.*, Rs.1,25,000/- and further directed that any amount paid by the students in excess shall be refunded by the appellant-college.

3. The facts, *in brief*, giving rise to the present appeals are as under:

3.1 The appellant-college was established after obtaining formal permission from the Ministry of Health and Family Welfare *vide* letter dated 27th February 2002.

3.2 In the prospectus of the appellant-college, the fee was fixed at Rs.2,12,500 (tuition fee) plus Rs.12,500 (caution fee) for the general category candidates and Rs.1,12,500 (tuition fee) plus Rs.12,500 (caution fee) for reserved category candidates belonging to SC/ST/OBC. Accordingly, the appellant-college admitted the respondents-students.

3.3 Subsequent to the students being admitted, this Court *vide* judgment and order dated 14th August 2003 in the case

of *Islamic Academy of Education and Another v. State of Karnataka and Others*¹ directed that every State shall constitute a committee for fixation of fee to be charged from students.

3.4 Accordingly, a committee being Justice S.D. Jha Committee (hereinafter referred to as, “Fee Fixation Committee”) was constituted by the State of Chhattisgarh. It appears that there were differences of opinion between the Chairman of the committee and the other members of the committee. Ultimately, the Fee Fixation Committee determined the fee structure at Rs.1,25,000/- for the appellant-college. It was made clear that the said fee would be effective from the academic year 2005-2006 for three years i.e., up to the academic year 2007-2008.

3.5 The State Government, accordingly, issued a letter dated 25th July 2005 to the appellant-college thereby fixing the fee at the aforesaid rate.

3.6 The appellant-college, being aggrieved with the fee fixation on the ground that it was done without considering any material, approached the High Court by way of a writ

¹ (2003) 6 SCC 697

petition being W.P. No.3628/2005. In the said petition *vide* order dated 29th September 2005, the appellant-college was directed to change the fee structure with effect from the academic year 2005-2006.

3.7 In the meantime, it appears that some of the students who were admitted in the year 2003-2004 filed a writ petition being W.P. No.5764/2005 wherein the High Court passed an order on 29th November 2005 restraining the appellant-college from demanding fee in excess of the fee fixed by the Fee Fixation Committee i.e., Rs.1,25,000/-. Subsequently, on 31st January 2006, the aforesaid order was modified by the High Court thereby directing the students to pay a sum of Rs.1,50,000/- towards tuition fee and the said arrangement was subject to final outcome of the writ petition.

3.8 The High Court *vide* common impugned judgment and final order dated 6th April 2010 in the batch of petitions filed by the appellant-college as well as the students directed that the fee of Rs.1,25,000/- per year per student shall apply even for the students admitted prior to the academic year 2005-2006 and any amount paid by the students in excess of the fees fixed by the Fee Fixation Committee shall be refunded by

the appellant-college.

4. Being aggrieved thereby, a special leave petition was filed by the appellant-college. Notice in the present petition was issued on 12th May 2010. On the said date, interim directions were passed directing that the appellant-college shall refund the excess amount as per the order of the High Court to each of the students of 2003-2004 who have approached the Court. Further, all the documents of the students (such as marks card, provisional certificate, final certificate and intern completion certificate *etc.*) shall be released to the students on furnishing a bank guarantee against the refund amount. It was further directed that with regard to the students who had not paid any fee, the appellant-college were directed to release their documents to such students on furnishing a bank guarantee for a sum of Rs.1,00,000/-.

5. We have heard learned counsel appearing for the parties and perused the material on record.

6. Learned counsel appearing on behalf of the appellant-college submits that the only grievance is that once the fee structure was determined by the Fee Fixation

Committee which was from the academic year 2005-2006, the High Court could not have made the said fee structure applicable retrospectively thereby directing refund of excess fee.

7. We find substance in the said submission of the learned counsel for the appellant-college.

8. Admittedly, it was only subsequent to the judgment of this Court in the case of ***Islamic Academy of Education*** (supra), the fee structure came to be determined and the Fee Fixation Committee directed that Rs.1,25,000/- would be applicable and that too only from the academic year 2005-2006 onwards.

9. In that view of the matter, we are of the considered view that the High Court was not justified in directing the refund of excess fee to the students who were admitted prior to the academic year 2005-2006.

10. In pursuance of the earlier order passed by this Court in the present proceedings dated 12th May 2010, the fee has already been refunded to the students. However, the students were also directed to furnish bank guarantees with respect to such refund upon release of their documents.

Even those students who had not paid any fee were directed to furnish bank guarantees of Rs.1,00,000/- upon release of their documents.

11. We, therefore, permit the appellant-college to encash the bank guarantees executed by the students in terms of the order dated 12th May 2010.

12. The appeals are, accordingly, disposed of.

13. Pending application(s), if any, shall stand disposed of.

.....J.
(B.R. GAVAI)

.....J.
(AUGUSTINE GEORGE MASIH)

**NEW DELHI;
MAY 06, 2025.**