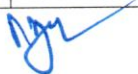


Date	Proceedings	Remarks
02.07.2025	<p>Shri Ravi Nahar, advocate on behalf of the appellant.</p> <p>None for the respondent no. 1, 2 and 3.</p> <p>Dr. D.A. Hindoliya, OSD, AFRC for the respondent no. 4.</p> <p>This appeal is filed under Sec. 10 of Madhya Pradesh Niji Vyavasayik Shikshan Sanstha (Pravesh Ka Viniyaman Avam Shulk Ka Nirdharan), Adhiniyam, 2007 (hereinafter referred as 'Act, 2007'), on behalf of appellant, against the order passed by Admission and Fee Regulatory Committee ('AFRC' in short) dated 04.02.2022, wherein, application of the appellant for refund of ₹ 2,00,000/- deposited with Director, Medical Education, (respondent no.1) against advance fees in respect of BDS seat allocation at Institute of Dental Education And Advance Studies (IDEAS), Gwalior has been dismissed.</p> <p>Heard on an application for the condonation of delay dated 05.09.2022.</p> <p>Counsel for the appellant submits that due to sudden death of the appellant's father on 22.04.2022, the appellant could not file the appeal within the time as directed by the Hon'ble High Court of Madhya Pradesh in the order dated 30.03.2022 passed in W.P. No. 5650/2022. It is submitted that the appellant has not deliberately delayed filing the appeal. The delay is in good faith, hence, in the interest of justice, it is necessary that the delay in filing of appeal be condone, otherwise she would suffer irreparable loss.</p> <p>On the other hand, on behalf of the respondent no. 4, it is submitted that as per aforesaid order dated 30.03.2022, the appeal must be filed within 15 days, but this appeal has been filed delayed by 141 days without any sufficient cause. Therefore, the application for condonation for delay is liable to be rejected.</p>	



It appears from perusal of the record, that the impugned order was passed on 04.02.2022, thereafter, the appellant filed W.P. No. 5650/2022 before the Hon'ble High Court. It is apposite to reproduce the order dated 30.03.2022 passed by Hon'ble High Court, which runs as under: -

"Accordingly, petition is disposed of by reserving liberty to the petitioner to prefer an appeal within 15 days from today before the competent appellate authority.


If appeal is preferred within aforesaid time, appellate authority shall make endeavour to decide the appeal expeditiously preferably within 30 days therefrom in accordance with law on merits and shall not throw the appeal overboard on the ground of delay."

Section 10(1) of the Act, 2007, prescribed limitation period for filing of appeal against the order passed by AFRC is of 30 days. However, initially, the appellant chosen to file Writ Petition before the Hon'ble High Court, but on 30.03.2022, he withdrawn the aforesaid writ petition with aforesaid liberty. Apart from that, he had not obeyed the directions given by the Hon'ble High Court and has not filed the appeal within the stipulated time given by the Hon'ble High Court and this appeal has been filed delayed by 141 days.

However, as per application for condonation of delay and copy of the death certificate filed on behalf of the appellant, father of the appellant has died on 22.04.2022, which is sole ground of the appellant to condone delay, but it appears that the appellant was also failed to file the appeal just after the completion of the final rituals of her father. Therefore, cause of delay shown by the appellant appears to be baseless. The appellant is failed to show any satisfactory reason for delay in filing the appeal and it appears that she was herself negligent in filing the appeal within the time limit as per section 10(1) of Act 2007 as well as the directions given by the Hon'ble High Court. Therefore,



the delay is not condonable. Accordingly, the application for condonation of delay is hereby rejected and the appeal is also dismissed as time barred.


(Justice Prakash Chandra Gupta)
Appellate Authority