

**BEFORE THE APPELLATE AUTHORITY CONSTITUTED UNDER THE
MADHYA PRADESH NIJI VYAVSAYIK SHIKSHAN SANSTHA (PRAVESH KA
VINIYAMAN AVAM SHULK KA NIRDHARAN) ADHINIYAM, 2007, (AS
AMENDED)**

Presided over by Justice Prakash Chandra Gupta.

Appeal No. 04/2025

Sakshi Medical College, Guna

..... Appellant

V E R S U S

**1. Sarvesh Thakur, S/o Late Shri Ramesh Singh Thakur,
62, Silver Hill Colony, Dhar.**

**2. The Admission and Fee Regulatory Committee,
Bhopal**

..... Respondents

ORDER

(Date: 30th July, 2025)

1. This appeal preferred by the appellant under section 10 of Madhya Pradesh Niji Vyavsayik Shikshan Sansthan (Pravesh Ka Viniyaman Evam Shulk Ka Nirdharan) Adhiniyam 2007, (hereinafter referred as Act, 2007) against the impugned order dated 16.04.2025 passed by the Admission and Fees Regulatory Committee (hereinafter referred as AFRC) whereby the Appellant is directed to refund an amount of Rs. 16,00,000/- to the Respondent no. 1 Sarvesh Thakur.
2. Undisputed facts of this case are that the Appellant is a Medical College namely Sakshi Medical College and Research Centre, Guna (M.P.) which is run by committee namely Muskan Samajik Evam Siksha Prasaar Evam Prachar Samiti, Telghani Chouraha, Guna (M.P.) (hereinafter referred to as Committee). For the academic year 2016-17 the Respondent no. 1 and some other candidates were given admission in the Appellant College in a 5 year MBBS course under NRI

quota. The Respondent no.1 had deposited Rs. 21,00,000/- as tuition fees for the aforementioned course, but later on admission of Respondent no.1 and some other candidates was not approved by Medical Council of India (hereinafter referred as MCI) vide order dated 14.09.2017. Thereafter, due to certain lacunas on the part of the Appellant College for not keeping the standards as established, the concerning authorities had cancelled its affiliation. Aforesaid order of MCI was challenged by the Committee by filing writ petition bearing registration no. 17806/ 2017 which was dismissed on 06.02.2018 by division bench of High Court of Madhya Pradesh. A Special Leave to Appeal (C) No. (s) 7483/2018 was preferred by the Committee but the same was dismissed by the Hon'ble Apex Court. A writ petition bearing registration no. 7852/ 2018 filed by the aggrieved candidates was also dismissed by division bench of the Madhya Pradesh High Court on 02.08.2018 and SLP bearing registration no. 29129-29132/ 2018 were also dismissed vide order dated 19.11.2018. It is also not disputed that writ petition no. 23656/ 2019, filed by other candidates has been dismissed by division bench of Madhya Pradesh High Court on 29.03.2023 as not entertainable being barred by *res judicata*.

3. Brief facts of this case are that the Appellant had given admission to Respondent no. 1 for academic year 2016-17 for the course of 5 years MBBS in NRI quota but later on it was found that the Appellant had illegally given admission to the Respondent no. 1, therefore, the MCI had not approved his admission. The Appellant had taken Rs. 21,00,000/- from the Respondent no. 1 as tuition fees but later on affiliation of the Appellant college was cancelled. The Respondent no. 1 asked the Appellant college to return the entire tuition fees but the Appellant has returned only Rs. 5,00,000/- from the tuition fees along with interest and Rs. 25,000/- as caution money, in total Rs. 6,66,000/-. It is also alleged that remaining amount of tuition fees i.e. 16,00,000/- has not

been returned. Hence, he filed an application before AFRC. He also filed a writ petition bearing registration no. WP/9192/ 2025 before the High Court, which was disposed off on 27.03.2025 by directing the AFRC to decide the application within 4 weeks. Accordingly, the AFRC passed the impugned order.

4. It is submitted by the Appellant college that in WP no. 23256/ 2019 on 22.04.2022, it was directed that the tuition amount shall be returned to the Petitioner and other claimants along with interest @ 6% P.A. On 12.05.2022 the Hon'ble High Court in the aforementioned writ petition had ordered the deduction of fees for one year and the remaining amount i.e. tuition fees of 4 years, shall be returned to Respondent no.1 and other students along with interest @ 6% P.A. It is submitted that the Respondent no. 1 was fully satisfied by the aforementioned order dated 22.04.2022 and 12.05.2022 and thereafter he received entire deposited amount but he dishonestly filed an application before AFRC. It is also submitted that the Respondent no. 1 had deposited the tuition fees in part of Rs. 10,00,000/- in the bank account of Committee and the remaining Rs. 11,00,000/- in personal account of Radhe Shyam the then director of the Appellant college. Therefore, the Appellant is not responsible for the amount which was deposited in personal account of Radhe Shyam. Accordingly, it is prayed that the AFRC has not considered the aforementioned facts and circumstances properly, hence, impugned order is liable to be set aside.
5. On the other hand, impugned order has been supported by the Respondents.
6. On perusal of record, it is revealed that the Respondent no. 1 had deposited Rs. 21,00,000/- to the Appellant college as tuition fees and it is also revealed that the Appellant had illegally given admission to him for MBBS course in NRI quota. Due to this illegal admission of Respondent no. 1 by the Appellant college, the same was not approved by MCI. As well as due to certain lacunas

on the part of the Appellant college for not keeping the standards as established, the concerning authorities had cancelled its affiliation. Therefore, it is crystal clear that due to fault on the part of Appellant college, the Respondent no. 1 suffered irreparable loss of time and career. But what the Appellant college in least can do is to return the tuition money along with interest to cover up the financial loss of the Respondent no. 1. However, the AFRC has not imposed interest on the deposited money. Respondent no. 1 has also not filed an Appeal against the impugned order.

7. The Appellant has not filed any documentary evidence that it has returned the entire deposited amount to the Respondent no. 1. As well as it can also not be concluded that the amount paid by the Respondent no. 1 in the personal bank account of the then director Radhe Shyam as a part of the tuition fees of the college cannot be levied from the Appellant college as the transaction was carried out in part to pay the tuition fees of the college itself. Therefore, only on the basis of oral submission, it also cannot be concluded that the Appellant has paid the entire remaining amount to the Respondent no. 1. However, it is not disputed that the Appellant has returned Rs. 5,00,000/- of tuition fees along with interest and caution money, in total Rs. 6,66,000/- to the Respondent no. 1. Remaining amount is Rs. 16,00,000/- has not been paid by the Appellant to the Respondent, therefore, the Appellant is liable to pay Rs. 16,00,000/- to the Respondent no. 1.
8. In view of aforesaid, it is apparent that the AFRC has properly considered the aforementioned facts and circumstances of the case. There is no error in the impugned order factually or legally. Therefore, impugned order is not interferrable. The appeal sans-merits. Accordingly, the impugned order is hereby upheld and the appeal is dismissed. However, it is directed that the Appellant must pay the remaining amount of Rs. 16,00,000/- to the Respondent

no. 1 within 15 days from today, failing which the Appellant shall be liable to pay additional interest @ 10% P.A on the remaining amount.

9. Accordingly, the appeal is **disposed of**.

Sd/-
(Justice Prakash Chandra Gupta)
Appellate Authority