

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

REVIEW PETITION (C) NO.1941 OF 2017
IN
SPECIAL LEAVE PETITION (C) NO.20420 OF 2017

THE STATE OF KERALA & ANR.

PETITIONER(S)

VERSUS

KUNHITHARUVAI MEMORIAL CHARITABLE
TRUST & ORS.

RESPONDENT(S)

WITH

SLP(C) NO...../2017 DIARY NO.26409 OF 2017

KERALA PRIVATE COLLEGE MANAGEMENT ASSOCIATION PETITIONER

VERSUS

STATE OF KERALA & ORS.

RESPONDENTS

O R D E R

R.P. (C) No.1941/2017 in SLP(C) No.20420/2017

The review petition has been filed against the order dated 14.08.2017 passed by this Court in SLP(C) No.20420 of 2017, which was disposed of by directing as follows :

"The petitioners shall receive fees upto Rs.11,00,000/- (Rupees eleven lakhs) from each student. Any student seeking admission will be obliged to pay fee of Rs.5,00,000/- (Rupees five lakh). As regards the rest of Rs.6,00,000/- (Rupees six lakh), the student may either furnish a bank guarantee for this balance amount or he/she may pay the said amount in cash. The petitioners shall keep this amount in a separate account and shall hold the said amount in that account till the disposal of the writ petitions by the High Court. It is also directed that the said amount and the bank guarantee shall be

dealt with finally according to the orders of the High Court."

We have heard Mr. K.K. Venugopal, learned Attorney General for India appearing on behalf of the petitioners, and Mr. Dushyant A. Dave, Mr. Kapil Sibal, and Mr. Huzefa Ahmadi, learned Senior Counsel appearing for the respondents, and perused the Review Petition and the connected papers.

We do not find any error in the order impugned, much less an apparent error on the face of the record, so as to call for its review.

The Review Petition is, accordingly, dismissed.

SLP(C) NO...../2017 DIARY NO.26409 OF 2017

Permission to file the special leave petition is granted.

Heard learned counsel appearing for the parties and perused the record.

We see no reason why the aforesaid order dated 14.08.2017 passed by this Court in SLP(C) No.20420 of 2017, should not be extended to the similarly situated medical colleges in Kerala at par with the petitioner in SLP(C) No.20420 of 2017.

We order accordingly.

Hence, the special leave petition is disposed of in the above terms.

However, the amounts paid or the bank guarantee furnished by the students shall be adjusted in accordance with the final fixation by the Fee Regulatory Committee. This does not mean that it will be exempted from challenge by either parties.

We further direct that the time to furnish the bank guarantee by the students is extended by a period of 15 days from today.

.....J
[S. A. BOBDE]

.....J
[L. NAGESWARA RAO]

New Delhi;
August 28, 2017.

ITEM NO.58

COURT NO.7

SECTION XI -A

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

R.P.(C) No. 1941/2017 in SLP(C) No.20420/2017

(Arising out of impugned final judgment and order dated 14-08-2017 in Special Leave Petition (Civil) No.20420/2017 passed by this Hon'ble Court)

THE STATE OF KERALA & ANR.

Petitioner(s)

VERSUS

KUNHITHARUVAI MEMORIAL CHARITABLE TRUST & ORS.

Respondent(s)

(FOR ADMISSION)

WITH SLP(C) No...../2017 Diary No.26409 of 2017

(FOR PERMISSION TO FILE SLP ON IA 79754/2017 FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA 79755/2017)

Date : 28-08-2017 These petitions were called up for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.A. BOBDE

HON'BLE MR. JUSTICE L. NAGESWARA RAO

For Petitioner(s) Mr. K.K. Venugopal, Id. Attorney General
Mr. Jaideep Gupta, Sr. Adv.
Mr. G. Prakash, Adv.
Mr. Jishnu M.L., Adv.
Mrs. Priyanka Prakash, Adv.
Mrs. Beena Prakash, Adv.
Mr. Sunil Kumar Verma, AOR

Mr. Dushyant A. Dave, Sr. Adv.
Mr. Huzefa A. Ahmadi, Sr. Adv.
Mr. Haris Beeran, Adv.
Mr. Mushtaq Salim, Adv.
Mr. Usman Ghani Khan, Adv.
Mr. Dev Prakash, Adv.
Mr. Radha Shyam Jena, AOR

For Respondent(s) Mr. Kapil Sibal, Sr. Adv.
Ms. Liz Mathew, Adv.
Mr. M.F. Philip, Adv.

Mr. C.U. Singh, Sr. Adv.
Mr. Babu Karukappadath, Adv.
Mr. Ranjan Kumar, Adv.

Mr. C.K. Sasi, Adv.
Mr. Manu Krishnan G., Adv.

UPON hearing the counsel the Court made the following
O R D E R

R.P. (C) No.1941/2017 in SLP(C) No.20420/2017

The Review Petition is dismissed in terms of the signed order.

SLP(C) NO...../2017 DIARY NO.26409 OF 2017

Permission to file the special leave petition is granted.

The special leave petition is disposed of in terms of the signed order.

As a sequel to the above, pending interlocutory applications, if any, stand disposed of.

(SANJAY KUMAR-II)
COURT MASTER (SH)

(INDU KUMARI POKHRIYAL)
BRANCH OFFICER

(Signed Order is placed on the file)