

ITEM NO.8+81

Court 4 (Video Conferencing)

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

SPECIAL LEAVE PETITION (CIVIL) Diary No.20170/2021

(Arising out of impugned final judgment and order dated 19-11-2020 in WPC No.34904/2019 19-11-2020 in WPC No.8815/2020 passed by the High Court of Kerala at Ernakulam)

RIYA GEORGE & ANR.

Petitioner(s)

VERSUS

THE PRINCIPAL, KANNUR MEDICAL COLLEGE & ORS.

Respondent(s)

(With appln.(s) for I.R. and IA No.119250/2021-EXEMPTION FROM FILING AFFIDAVIT and IA No.119247/2021-PERMISSION TO FILE SLP and IA No.119248/2021-PERMISSION TO FILE LENGTHY LIST OF DATES)

WITH S.L.P.(C) No.14873/2021

(With appln.(s) for I.R. and IA No.119783/2021 - EXEMPTION FROM FILING O.T. and IA No.119786/2021 - EXEMPTION FROM FILING AFFIDAVIT AND IA No.119782/2021 - PERMISSION TO FILE LENGTHY LIST OF DATES)

Date : 24-09-2021 This petition was called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD
HON'BLE MRS. JUSTICE B.V. NAGARATHNA

For Petitioner(s) Mr. Raghenth Basant, Adv.
Ms. Liz Mathew, AOR
Mr. Navneet R., Adv.
Ms. Roopali Lakhotia, Adv.

For Respondent(s)

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

- 1 Permission to file the Special Leave Petition is granted.
- 2 By the judgment of this Court reported as ***Ria George vs Kannur Medical College and Others*** (2019) 20 SCC 387, the petitioner was granted liberty to pursue her claim for compensation for the loss of a year of her studies as an MBBS student, before the Admission and Fee Regulatory Committee in the State of Kerala.
- 3 The Committee directed that the petitioner would be entitled to compensation of Rs 25 lakhs. The petitioner was, in sum, held to be entitled to compensation equivalent to double the capitation fees of Rs 10 lakhs (in terms of the earlier order of this Court dated 29 August 2018), Rs 25 lakhs as compensation and Rs 1.65 lakhs towards a refund of the balance special fees.
- 4 The High Court has reduced the amount payable to the petitioner to Rs 31.65 lakhs (fees of Rs 11.65 lakhs and Rs 20 lakhs being double the capitation fees).
- 5 Mr Raghenth Basant, counsel appearing on behalf of the petitioner submits that there is no justification for the High Court to have reduced the compensation, particularly having regard to the specific observations of this Court in paragraph 27 of its judgment noted earlier. Moreover, it has been submitted that as a result of the cancellation of the admission of the petitioner, she lost a valuable year and, thereafter, has taken admission to the Amrita Institute of Medical Sciences where the fee payable is substantially higher as evidenced by page 42 of the paper book.
- 6 Issue notice, returnable in eight weeks.
- 7 Dasti, in addition, is permitted.

- 8 The respondents shall file their counter affidavit within a period of four weeks of the date of service.
- 9 List the Special Leave Petition for final disposal on 7 December 2021.
- 10 Mr Raghenth Basant submits that the facts of SLP (C) No 14873 of 2021 which is listed as item No 81 on the Board today, are similar to those in the present Special Leave Petition.
- 11 Issue notice in SLP (C) No 14873 of 2021.

(CHETAN KUMAR)
A.R. -cum-P.S.

(SAROJ KUMARI GAUR)
Court Master