

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 06.03.2015

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

WP.No.6172 of 2015

Farha Sayeed

... Petitioner

vs.

The Registrar,
Annamalai University,
Annamalai Nagar - 608 202
Chidambaram,
Cuddalore District

... Respondent

Writ petition filed under Article 226 of the Constitution of India praying for a Writ of Mandamus directing the respondent to refund the tuition fee paid by the petitioner on 26.07.2013 as per clause 9(a) of the Prospects issued by the respondent

For Petitioner : Mr.R.Uma shankar
for M/ Sri and Shankar Associates

For Respondent : No appearance

ORDER

Heard Mr.R.Uma shankar, learned counsel for the petitioner. With the consent, the writ petition itself is taken up for final disposal at the admission stage.

2. The petitioner seeks for direction upon the respondent/University to refund the tuition fee paid by the petitioner on 26.07.2013 as per clause 9(a) of the Prospectus. The petitioner after completing her Higher Secondary Education during the year 2013-2014 applied for MBBS/BDS course with the Directorate of Medical Education. The petitioner also applied for the same course with the respondent. Based on the marks secured by the petitioner, the respondent issued call letter calling upon the petitioner to appear for counseling for being considered for the selection in the said course. However in the counseling, the petitioner was informed that all the seats in MBBS have been filled up and the petitioner can join BDS course and she will be transferred to MBBS in case vacancy

arises. Accordingly, the petitioner joined BDS Course and paid a sum of Rs.2,00,000/- (Rupees two lakhs only), which has been acknowledged vide receipt dated 26.11.2013. Subsequently, the petitioner secured admission in Bio-Technology in Shivnadar Univerisity in Uttarpradesh. Therefore, the petitioner dis-continued the course and has taken transfer certificate and original certificates from the respondent and joined University at Uttarpradesh. Now the petitioner seeks for refund of the fees paid in accordance with the prospectus.

3.The learned counsel for the petitioner invited attention of this Court to Clause 9(a) of the prospectus, which states that tuition fees and caution deposit minus the service charges of Rs.5,000/- will be refunded if the candidate discontinues the programme without attending the classes, and the resultant vacancy is filled up.

4.The petitioner would state that she has dis-continued the programme without attending the course. It is not known as to whether resultant vacancy was filled up. Since the writ petition is disposed of at the admission stage, without notice to the respondent, this issue cannot be adjudicated in this Writ Petition, at this stage and it would suffice to direct the respondent to consider the petitioner's representation by way of the letters dated 29.07.2013; 07.08.2013 and 23.12.2013 on merits and in accordance with law within a period of eight weeks from the date of receipt of copy of this order. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

ssd

To

The Registrar,

Annamalai University,

Annamalai Nagar - 608 202

Chidambaram,

Cuddalore District.

2 cc to Mr. Sri and Shankar Associates ,Advocate, SR.No.12674

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