

THE HON'BLE SRI JUSTICE A.V. SESA SAI

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WRIT PETITION No.2891 OF 2009

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ORDER:

This writ petition is filed under Article 226 of the Constitution of India for the following relief:

“to issue an appropriate writ, order or direction, more particularly one in the nature of Writ of Mandamus directing respondent No. 1, 2 and 3 to take all the necessary steps to implement directives of Government of India, Ministry of Human resource development, Dept of Higher Education dt. 23-4-2007, including punitive action, and pass such further or other order or orders as this Hon'ble Court deem fit and proper in the circumstances of the case and in the interest of Justice

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2. Heard Sri J.Venudhar Reddy, learned counsel, appearing for the petitioner, learned Government Pleader for Higher Education and learned standing counsel for the 4th respondent.

3. According to the petitioner, petitioner approached the 3rd respondent for admission of his daughter into B.E. (I.T) Branch and after negotiations, 4th respondent agreed for annual fee of Rs.83,500/- and asked him to pay Rs.5,000/- as advance and accordingly, he paid the said amount as advance and agreed to pay balance amount of Rs.78,500/- during first week of July, 2008 and 4th respondent received the said amount and issued receipt also. It is further averred in the writ affidavit that once again, the petitioner paid a sum of Rs.70,000/- on 10.08.2008 to the 4th respondent under a receipt. It is also the case of the petitioner that he came to know about lack of exclusive hostel facility for girls in the college and decided to admit his daughter in some other college and approached the 4th respondent college on 14.10.2008 and requested for refund of fees and return of original certificates of his daughter, which the 4th respondent collected on 10.08.2008. It is

further averred that college authorities refused to refund the fee and also threatened that they would not return the original certificates of his daughter and as such, the petitioner agreed for forfeiture of fee of Rs.75,000/-. It is further stated that petitioner herein had no other go except to give the letter as demanded by the 4th respondent college and after receiving the same, the 4th respondent college returned the original certificates. According to the petitioner, forfeiture of huge amount is highly illegal, arbitrary and contrary to the directions issued by the 1st respondent.

4. In the above background, the petitioner herein appears to have submitted a representation to the respondents 1 to 3, requesting for necessary directions to the 4th respondent for refund of the fee paid by him. The 3rd respondent vide letter reference No. AICTE/SCRO/Hyd/Fee-Refund/493, dated 30.01.2009, requested the 4th respondent to refund the admissible Fees as per AICTE notification. It is the complaint of the petitioner herein that despite receiving the said letter from the official respondents, the 4th respondent failed to take necessary steps.

5. In the above background, the present writ petition came to be filed by the petitioner herein for a direction to the 4th respondent herein to take necessary action for refund the amount paid by him. In support of his submissions, the petitioner herein has placed on record the proceedings of the Joint Secretary (Higher Education), vide File No.14-4/2007-U.3(A), dated 23.04.2007 and the letter of the All India Council for Technical Education, vide reference No. AICTE/SCRO/Hyd/Fee-Refund/493, dated 30.01.2009.

6. A perusal of the said proceedings of the Union of India dated 23.04.2007 and dated 30.01.2009 issued by the 3rd respondent/All India Council for Technical Education, clearly shows the instructions issued by the respondents for refund of the fee. Despite granting time, no instructions could be received by the learned counsel from the 4th respondent.

7. In these circumstances, this Court finds absolutely no justification on the part of the 4th respondent herein in not refunding amount of Rs.75,000/- paid by the petitioner herein for admission of his daughter in B.Tech First Year Course for the academic year 2008-2009.

8. For the aforesaid reasons, writ petition is allowed, directing the 4th respondent

herein to take appropriate action in the light of the proceedings dated 23.04.2007 Vide File No.14-4/2007-U.3(A) issued by the Government of India, Ministry of Human Resource Development, Department of Higher Education and the letter of the All India Council for Technical Education, vide reference No.AICTE/SCRO/Hyd/Fee-Refund/493, dated 30.01.2009 and refund the amount paid by the petitioner herein within a period of two months from the date of receipt of a copy of this order.

9. Miscellaneous petitions pending consideration, if any, in the Writ Petition shall stand closed in consequence. No order as to costs.

A.V.SESHA SAI, J

30th November, 2015

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