

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

Civil Writ Petition No.10892 of 2000

Date of decision:14.01.2015

Ms. Amardeep Kaur and others

... Petitioners

versus

Longowal Institute of Engineering and Technology and others

.... Respondents

II. Civil Writ Petition No.3985 of 2001

Tegh Pal Singh and others

... Petitioners

versus

Longowal Institute of Engineering and Technology and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. Sanjiv Gupta, Advocate,
for the petitioners.

None for the respondents.

K.Kannan, J. (Oral)

1. Both the cases relate to the candidates, who had taken admissions by paying the admission fees but gave up the respective seats and gained admission elsewhere. On their demand for return of the fees paid, the response by the 1st respondent was that the brochure referred to two different categories, namely, of the

refundable portion and non-refundable portion. The amount which was liable to be refunded under the brochure had indeed been refunded to the petitioners and the amount not paid was the non-refundable portion. The respondents made reference to clause 4 of the brochure which gave a procedure for an application for refund of payment of ₹10/- as application money. In para 4 of the writ petition, it is brought out that the seats vacated by the petitioners had been filled up and consequently, there had been no loss to the respondents. There is no denial of the same in the reply. A statement in the prospectus vis-a-vis candidate that makes an application constitutes a contract and under the normal circumstances, I will find that to be binding on the students. If the students, however, bring to the attention of the authority that there was no loss on account of pendency, leaving the college and their seats had been given to yet another candidate, then the non-refundable portion must be explained in some way by the college. We have in this case no such explanation given and when the petitioners' case was that the seats vacated were also filled up and the contention that there was no monetary loss stands un-refuted, I will allow the benefit to the petitioners to obtain the refund of the so-called non-refundable portion as well. I will only allow ₹1,000/- in each of those cases as the expenses for processing their admission applications and the admission granted to the students and allow for

the balance to be claimed by the respective petitioners. Consequently, each one of the petitioners will be entitled to ₹24,235/- being the balance of admission fee with interest at 6% from the date when the demand for refund was made till the date of payment. The payment shall be made within 4 weeks from the date when the demand is made now with the copy of this order, in view of the fact that there is no representation for the respondents so that the nature of order passed in this case is duly apprised to the authority for compliance.

2. Both the writ petitions are disposed of as above.

(K.KANNAN)
JUDGE

14.01.2015
sanjeev