

CWP-16204-2000**Date of Decision : 05.02.2015**

Sanjeev Gupta

..... Petitioner**versus**

State of Punjab others

..... Respondents**CORAM HON'BLE MR. JUSTICE K.KANNAN****1. Whether reporters of local newspaper may be allowed to see judgment?****2. To be referred to reporters or not?****3. Whether the judgment should be reported in the digest?**

Present: Mr. Rajesh Punj, Advocate
for the petitioner.

K.Kannan, J (Oral)

There is no representation for the respondent. The petitioner is present and prepared argue.

The petition is for refund of tuition fee and admission fee paid at the time of taking admission to MBA course for the year 2000. The petitioner could not, however, continue with the course due to personal difficulties and he left the course and demanded the refund of fee of Rs.55,725/-, the amounts paid at the time of admission. In para 10 of the writ petition, it is stated that the 3rd respondent-College had admitted other students in the place vacated by the petitioner and certain others and therefore, suffered no loss.

The respondent has filed a reply explaining that Rs.10,000/- was deposited in the account of University and Rs.45,725/- was towards the tuition fee and other fees. Responding to the averment in Para 10 of the writ petition that the seat vacated by the petitioner was filled up by the College-respondent has stated that

"Para No.10 of the petition, as stated is not correct. The petitioner is not entitled to refund of the fee." I find the denial to be non-specific and vague. I take it that the petitioner's assertion of the seat as having been filled up and that therefore the respondent had not been put to any loss stands proved.

There is every justification for the petitioner to seek refund and I direct the refund of Rs.10,000/- by the said respondent -University and the balance of amount namely, Rs.45,725/- as payable by the 3rd respondent. The amounts shall be repaid with interest @ 9% from the date of the writ petition on 10.11.2000 till the date of payment on demand by the petitioner within a period of 4 weeks.

The writ petition is allowed on the above directions.

(K. KANNAN)
JUDGE

February 05, 2015
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