

CWP No. 11201 of 2014
Date of decision: 1.04.2015

Atul Suyal

..... Petitioner

versus

Punjab Technical University and another

..... Respondents

Coram: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. Ramneek Vasudeva, Advocate
for the petitioner.Mr. Anupam Singla, Advocate
for respondent No.2.**Rakesh Kumar Jain, J.(Oral)**

The petitioner has prayed for issuance of a writ in the nature of mandamus, seeking a direction to the respondents to refund fee of ₹50,000/- deposited by him, vide receipt No. 3062 dated 24.07.2012, on account of admission in B.Tech (Mechanical Engineering) Ist Year course in the Institute of respondent No. 2.

In brief, the petitioner appeared in the All India Engineering Entrance Examination (AIEEE) conducted by C.B.S.E. on 19.05.2012 and got a rank of 88669. He participated in second counselling conducted by respondent No. 1 from 13.07.2012 to 16.07.2012. The result of the said counselling was declared on 20.07.2012 and the petitioner got the admission in the institute of respondent No. 2 which is affiliated to respondent No. 1.

Since the admission process in the other Engineering Institutes and Universities were going on, the petitioner tried his luck in B.E. (Electronics & Communication Engineering Branch) on 14.08.2012 in the University Institute of Engineering and Technology, Punjab University SSGRC, Hoshiarpur and deposited a sum of ₹ 45,000/- on the same day towards his fee.

He moved an application on 16.08.2012 to respondent No. 2 i.e. Director Principal, seeking refund of the fee of ₹50,000/- deposited on 24.07.2012 but the principal of the college made an endorsement on his application "as per Rules". Since the grievance of the petitioner was not addressed by the respondents, therefore, the present writ petition has been filed for seeking a direction to the respondents to refund the fee.

After notice, reply has been filed by respondent No. 2.

The case set up by the petitioner is that there are 120 seats allocated to respondent No. 2 out of which 40 seats are meant for management quota and 80 seats for the counselling. The petitioner got admission in the counselling seat on 24.07.2012. According to him, respondent No. 1 had informed some student, namely, Navdeep Kaur that the admission of B.Tech First Year would continue till 31.08.2012. It is also submitted by him that out of 120 seats, instead of filling 40 seats meant for management quota, the respondent No. 2 has filled 95 seats, therefore, the respondent cannot take the plea that the petitioner should have applied within a period of 7 days from the end of main counselling for the refund of the fee because the seats meant for counselling have merged in the seats of management.

On the other hand, counsel for the respondent has submitted that the petitioner would have been entitled for refund of fee, had he applied within 7 days from the end of counselling.

In this regard, he has referred to Rules pertaining to Refund Rules of PTU which reads as under:

“REFUND RULES OF PTU

As per Notification No. 13/105/10-1TE2/170 Dated: 12-01-2012:

(i) In case a student changes his/her/college/University during centralized counselling conducted by PTU his/her fee shall be refunded by the previous institution after deduction of Rs.1000/- and the original documents will be returned immediately.

(ii) In case a student surrenders his/her seat within 7 days of the end of the online counselling, he/she must submit application to the college and register online on PTU website www.ptuadmissions.nic.in PTU shall only forward such cases to the concerned colleges/Universities and colleges must refund his/her full fee after deduction of Rs. 1000/-only.

In keeping with the direction of Ministry of Human Resources Development Department, Govt. of India all Institutions and Universities shall in public interest, maintain a waiting list of students/candidates. In the event of a student/candidate withdrawing before the starting of the course, the wait listed candidates should be given admissions against the vacant seat. The entire fees collected from the student, after a deduction of the processing fee of not more than Rs. 1000/- (Rupees

One Thousand Only) shall be refunded and returned by the Institution/University to the student/candidate withdrawing from the programme. It would not be permissible for institutions and universities to retain the school/institutes leaving certificate in original. Should a student leave after joining the course and if the seat consequently falling vacant gets filled by another candidate by the last date of admission, the institution must return the fees collected with proportionate deductions of monthly fee and proportionate hostel rent, where applicable.”

He has further drawn the attention of the Court to the counselling Schedule which is as under:-

Online Counselling Schedule			
Counselling	Registration and Choice filling	Declaration of Result	Reporting Time at the Allocated Institute
1 st Round (85% & 15% category)	22.06.2012(1100 Hrs) to 30.06.2012 (1700Hrs)	04/07/12	04.07.2012 (0900Hrs) to 10.07.2012 (1700Hrs)
2 nd Round (85% & 15% category)	13.07.2012(1100 Hrs) to 16.07.2012 (1700Hrs)	20.07.2012	20.07.2012(0900 Hrs) to 25.07.2012 (1700Hrs)

According to the respondent second round of online counselling came to an end on 25.07.2012 and thereafter, 7 days has to be counted upto 1.08.2012. It is further submitted that there are 120 seats allocated to respondent No. 2 out of which only 117 seats could have been filled up and three seats are still lying vacant. It is also submitted that since the petitioner did not inform respondent No. 2 in time, therefore, the said seat which is alleged to have been allocated to him could not be filled up and as a result thereof, the respondent No. 2 which is an unaided institute

has been put to loss.

I have heard both the learned counsel for the parties and examined the record with their able assistance.

There is no dispute that the petitioner got the admission in the process of counselling on 24.07.2012 and deposited ₹ 50,000/- towards fee. It is also not disputed that there were 120 seats out of which 80 seats were meant for the counselling and 40 seats for the management quota and respondent has filled up 95 seats in management quota. The question would be as to whether, the seats which were filled up by respondent No. 2 in management quota would give some kind of leverage to the petitioner to bypass the Refund of Fee Rule of the University? In so far as, the Rule 2(i) is concerned, which is already reproduced hereinabove, it is framed with an idea that if a student who occupies the seat in the counselling is not interested in pursuing his study in that institution because of various reasons, would vacate the seat within a specified time so that the information can be uploaded on the website of the university for the student in waiting to occupy the vacated seat. The time is the essence of this process and in this case, since the petitioner did not react to the time provided in the rules and did not file the application within 7 days from the date of his admission, therefore, he had no right to ask for the refund. The argument that the seat meant for the counselling quota has merged with the management quota could not advance the case of the petitioner, in any manner because if seat meant for the counselling quota are not filled up then they can be converted into management quota which the respondent No. 2 cannot fill up.

In view of the above, I do not find any merit in the present case
and the same is hereby dismissed.

1st April, 2015
Shivani Kaushik

[Rakesh Kumar Jain]
Judge