

CWP No.14543 of 2014

[1]

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

**CWP No.14543 of 2014
Date of decision:04.05.2015**

Robin Goyal

...Petitioner

Versus

Punjabi University, Patiala and another

...Respondents

CORAM: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. Saurabh Arora, Advocate,
for the petitioner.

Mr. Ajaivir Singh, Advocate,
for the respondents.

Rakesh Kumar Jain, J.

The petitioner has prayed for the issuance of a writ in the nature of *mandamus* directing the respondents to refund his balance fee of ₹1,45,045/- with 18% interest.

In short, the petitioner applied online on 24.07.2013 for admission to the Five Year Engineering Management Integrated Program in the Punjabi University, Patiala (hereinafter referred to as the “University”) and deposited a sum of ₹2,900/- towards fee on that day. He appeared in the counselling on 30.07.2013 and got the admission. He deposited a sum of ₹1,74,095/- as tuition fee through bankers cheque no.152390 dated

CWP No.14543 of 2014

[2]

30.07.2013, ₹2,500/- as counselling fee through bankers cheque no.152376 dated 30.07.2013 and ₹1,000/- as student activity fund through bankers cheque no.152375 dated 30.07.2013. All the cheques were got encashed by the University. The petitioner also applied for B.Tech. course in the Thapar University and appeared for its counselling on 04.08.2013. He got admission in the Thapar University as well and, thus, surrendered the seat of the respondent no.1-University on 06.08.2013 and requested the Registrar of the University to refund his entire tuition fee deposited on 30.07.2013.

The case of the petitioner is that the last date for admission in the University was 15.08.2013 and the University had conducted two counsellings after the petitioner had surrendered his seat. The petitioner received a draft of ₹32,556/- dated 19.12.2013 along with the letter dated 02.01.2014 from the University but he was informed that as per the Handbook of Information 2013-14 of the University, the appropriate amount has already been sent to him. It is submitted that as per Regulation 5(b) of Chapter I of the Punjabi University Calendar, Volume II, 2010 (hereinafter referred to as the “Regulations”), the petitioner was entitled for refund of the entire tuition fee as he had vacated the seat only one day after joining the course. The relevant Regulation 5(b) of the Regulations, relied upon by the petitioner, is as under:-

“(b) In the event of a student withdrawing before the starting of the course, the Tuition Fee collected from the student, after deduction of the processing fee of not more than Rs.1000/- (Rs. One thousand only), shall be

CWP No.14543 of 2014

[3]

refunded subject to the condition that Head of the Department concerned certifies that the seat vacated by the student has been filled up. But if a student vacates a seat after having been admitted and having joined the course and the seat vacated by him is filled up before the last date of admission, he may be refunded the balance of tuition fee if any, after making proportionate deductions. No fee shall be refunded to a student who leaves the course after the last date of admission.”

It is argued by learned counsel for the petitioner that since the last date for counselling was 15.08.2013 and he had surrendered the seat on 06.08.2013 and two counsellings were held thereafter by the University out of which the last counselling was held on 14.08.2013, therefore, the petitioner was entitled for refund of the entire tuition fee. In support of his submissions, he has relied upon various decisions of this Court in the cases of **Prabhjot Singh v. Punjab University, Chandigarh and others**, 2010(1) SLR 424, **Meenu Kaur v. Shri Guru Ramdass Institute of Dental Sciences and Research, Amritsar and another**, 2011(3) SLR 423 and **Nitish Bhardwaj v. Kurukshetra University, Kurukshetra**, 2013(1) PLR 304.

Counsel for the respondents, however, has argued that the petitioner is not entitled to the refund of the entire tuition fee because he had surrendered the seat on 06.08.2013 though the course had started on 01.08.2013. Moreover, even after his vacating the seat on 06.08.2013, the

CWP No.14543 of 2014

[4]

said seat could not be filled up even upto the last date of counselling on 14.08.2013, therefore, it has caused financial loss to the University.

I have heard learned counsel for the parties and perused the available record.

There is no quarrel about the facts of the case and the only question which is to be decided is as to whether the petitioner is entitled for refund of the entire tuition fee as per Regulation 5(b) of the Regulations. Regulation 5(b) provides that if a student vacates the seat before start of the course, the tuition fee collected from him, after deduction of the processing fee of not more than ₹1,000/-, is to be refunded, subject to the condition that Head of the Department concerned certifies that the seat vacated by the student has been filled up, but if a student vacates the seat after joining the course and the seat vacated by him is filled up before the last date of admission, he may be refunded the balance of tuition fee after making proportionate deductions, whereas no fee shall be refunded to a student who leaves the course after the last date of admission.

In the present case, the petitioner surrendered the seat after attending the classes for 5 days as the course had started on 01.08.2013 and despite the fact that two counsellings were held after 06.08.2015, the seat vacated by the petitioner could not be filled up. In this view of the matter, the petitioner is not entitled to refund of the entire tuition fee because the seat vacated by him could not be filled up before the last date of admissions.

Insofar as the decision of this Court in **Prabhjot Singh's case** (**supra**) is concerned, the Court has referred to the instructions issued by the

CWP No.14543 of 2014

[5]

All India Council for Technical Education in which it was provided that in the event of a candidate withdrawing before the start of the course, the wait listed candidates should be given admissions against the vacant seats. In that background, this Court had held that if the waiting list was not prepared by the University itself, then the student could not have been blamed, but in the present case, no such instructions have been shown by the petitioner.

In **Meenu Kaur's case (supra)**, the petitioner got admission in another Government College where the fee was less. The Court has observed that the seat was left by the said petitioner before the last date of admissions and since the respondent-institute was being run by the Sikh Gurdwara Prabhandhak Committee, who is known to distribute largess and charities, it should not have retained the fee deposited, which was termed as confiscatory in nature. This judgment is not applicable to the present case.

The decision in **Nitish Bhardwaj's case (supra)** is also not applicable to the facts and circumstances of the present case.

It is specifically provided in Regulation 5(b) that if the student vacates the seat after joining the course and the seat vacated by him is filled up before the last date of admissions, then he would be entitled to the refund of the fee after making proportionate deductions, meaning thereby if the seat is not filled up, then he would not be entitled to the refund. Since the petitioner had joined the course on 01.08.2013 and surrendered the seat on 06.08.2013, therefore, he had vacated the seat after joining the course and since the seat vacated by him was not filled up, therefore, he was not entitled for refund of the entire tuition fee.

CWP No.14543 of 2014

[6]

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

May 04, 2015
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(Rakesh Kumar Jain)
Judge