

CWP No.8481 of 2015 (O&M)

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

**CWP No.8481 of 2015 (O&M)
Date of decision:03.08.2015**

Delhi College of Technology and Management and others ...Petitioners

Versus

Maharishi Dayanand University, Rohtak and another ...Respondents

CORAM: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. A. Tiwari, Advocate,
for the petitioners.

Mr. Lalit Rishi, Advocate, and
Mr. Amit Rao, Advocate, for the respondents.

Rakesh Kumar Jain, J.

The petitioners have assailed validity of the letter/order dated 24.04.2015 (Annexure P-9) by which they have been informed that as per schedule of examination, the last date for submission of FTR was 05.03.2015, with late fee of ₹500/- upto 20.03.2015 and with late fee of ₹1,000/- upto 30.04.2015, but since their FTR was received after the expiry of the said dates, a fine of ₹5,69,000/- has been imposed, which may be deposited by them at the earliest possible time so that the admit cards may be issued to their colleges.

As an interim measure, the University was directed to issue roll numbers to the students as regards the petitioner-institutions, however, subject to the final outcome of the writ petition. The petitioners then filed an

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application for declaration of the result of the students of their institutions, which has been taken up with the main case as arguments in the main case have been addressed.

It is argued by learned counsel for the petitioners that as per the admission brochure of the Maharishi Dayanand University for the year 2014-15 pertaining to Migration, Enrollment and Fee Details, Chapter-VI, the penalty is ₹5/- per student per day in respect of the students studying in odd semesters like 1st, 3rd, 5th and 7th semesters, whereas the penalty is being charged @ ₹500/- and ₹1,000/- from the students studying in the even semesters like 2nd, 4th, 6th and 8th.

Counsel for the petitioners further vehemently argued that the respondents are acting arbitrarily and unreasonably, while imposing fine @ ₹500/- and ₹1,000/- per student for late submission of examination fee.

On the other hand, counsel for the respondents has submitted that as per Migration, Enrollment and Fee Details (Annexure P-2), ₹5/- per student per day is to be charged for delay in respect of each kind of fee separately, whereas the late fee for submission of examination form is being charged evenly from the students of odd and even semesters.

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

It is provided in the admission brochure (Annexure P-2) that the Principals of affiliated/maintained colleges/institutes shall complete the process of online submission of Registration Return-cum-Examination Form and Continuation Return within 45 days from the last date of normal admission/counselling of a course and a hard copy of the same shall be

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submitted along with all types of required certificates/documents exhibiting their eligibility and migration certificate in the R&S Branch within 7 days after completing all formalities i.e. depositing of required fee mentioned in the Fund Transfer Report (FTR) relating to different type of fees applicable for a session. In case of admission made with late fee beyond the normal date of admission, the registration return-cum-examination form and continuation return would be accepted within 15 days from the date of admission/counselling, completing other requirements. However, in case a college/institute fails to do the needful, the RR-cum-exam form shall be accepted with requisite fee in one go and penalty of ₹5/- per student per day shall be charged in respect of each kind of fee separately as already provided in ordinance, before one month of the commencement of examination of a course. After that the Registration Return-cum-Examination Form with late fee, as referred above, will be accepted before ten days of the commencement of examination with the approval of the Vice Chancellor, provided that the RR-cum-Examination Form without required certificates/documents and Migration Certificate of any student(s) will be considered late and will be accepted with a penalty of ₹5/- per student per day on registration return and in respect of each kind of fee separately.

There are various fees like Registration fee, Continuation fee, Radha Krishanan Fund, Development fee, Holiday Home fee, Youth Welfare fee, Sports fee, NSS fee, Curriculum charges, Youth Red Cross fee, Entry fee for Zonal Youth Festival and Tech. Management Fest etc. Insofar as the examination fees in respect of B.Tech. course is concerned, which is in question, it is provided as under:-

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“MAHARSHI DAYANAND UNIVERSITY, ROHTAK

**Revised Schedule of Examinations to be conducted
during the year 2014-15**

Sr. No .	Name of Course/Exam	Date of Exam for Regular/Failure /Re-appear/ Additional/ Improvement	Last date for submission of exam form without late fee	Last date for submission of exam form with late fee of Rs.500/-	Last date for submission of exam form with late fee of Rs.1000/-
5	B.Tech/B.E.-1 st , 3 rd , 5 th , 7 th , 8 th Sem. B.Arch./M.E./M.Tech. & M.Arch-All Sem.	10.12.2014*	24.09.2014	09.10.2014*	20.10.2014
15	B.Tech/B.E.-2 nd , 4 th , 6 th , 7 th , 8 th Sem. B.Arch. (All Semester) M.E., M.Tech. & M. Arch.-All Sem.	15.05.2015	03/03/15	20.03.2015	31.03.2015

Thus, from the aforesaid, it is apparent that the penalty of Rs.5/- per student per day is charged for late deposit of any type of fee in regard to admission and ₹500/- and ₹1000/- is being charged for the late submission of the examination forms of both odd and even semesters.

Thus, the cause shown in this petition does not exist for the purpose of exercise of jurisdiction under Article 226 of the Constitution of India for declaring the letter/order dated 24.04.2015 (Annexure P-9) as unreasonable and arbitrary.

Consequently, the present writ petition is hereby dismissed.

August 03, 2015
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(Rakesh Kumar Jain)
Judge