

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

CWP No.10038 of 2016

Date of Decision:-20.05.2016

Rishav Preet Kaur

. . . .Petitioner

Versus

Guru Nanak Dev University, Amritsar and another

. . . . Respondents

CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN

Present: Mr.Aditya Grover, Advocate,
for the petitioner.

RAKESH KUMAR JAIN, J. (ORAL)

This petition is filed seeking a writ in the nature of certiorari for quashing the communication dated 23.7.2015 and also for issuance of a writ in the nature of mandamus to refund the admission fee amounting to ₹1,01,000/- deposited by the petitioner with the respondent/University while seeking admission in MBA (Financial Services) Course under Self Financing Scheme.

The facts are not much in dispute as the petitioner had applied for admission in the MBA (Financial Services) Course under Self Financing Scheme and deposited ₹1,01,000/- as admission fee. However, the petitioner thereafter got admission in some other college at Patiala, did not join the classes in the respondent/University and rather prayed for refund of the fee which has been declined on the ground that fee deposited in the Self Financing Course cannot be refunded.

The argument raised by counsel for the petitioner is that the petitioner received a telephonic message from the University as per which the seat allotted to him in the Self Financing Course category of MBA (Financial

Service) was converted into 'general' seat and therefore, as per the provisions of Clause 16A(1) of the prospectus, he is entitled to refund of the fee/security.

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

The refund of fee is governed by Clause 16 of the prospectus, which is reproduced as under: -

"16. Refund of Fee/Security

A. General Course: -

- 1) If a candidate does not join the course and surrenders the seat after getting admission slip, the fee and funds deposited by such a candidate will be refunded after deducting processing charges of ₹1000/-.*
- 2) A candidate, who joins the course/class, may be even for one day, and surrenders the seat in writing, will be refunded tuition fee and funds after deducting fee and funds for three months.*
- 3) Before the completion of admission process, if a candidate is allowed to shift from one general course/department to another general course/department, for this purpose, fee and funds deposited by him/her will be adjusted after charging ₹5000/- (for each shifting) as shifting fee. These rules will be applicable for University Campus, Regional Campuses and constituent colleges.*
- 4. The amount of security shall be refunded on receipt of application and*

No Dues Certificate from the department.

B. Self-Financing Courses:

i) Refund of fee: The fee and funds deposited against self financed courses shall not be refunded in any case whether a candidate surrenders his/her seat before or after joining the course.

ii) Shifting from one course to another course

in case a candidate who has taken admission in a self financed course and shifted to a general course as per merit list of the University Campus, its Regional Campuses and constituent colleges, the fee and funds deposited against self-financed course shall be treated as first semester fee and funds for the general course. From Second Semester onwards the candidate will deposit the tuition fee of general course. The balance fee will be adjusted/refunded.

No shifting from self-financed course to general course shall be allowed in the second and subsequent semesters even if the seat in general course is available.

iii) Refund of Security:- The amount of security shall be refunded on receipt of application and No Dues Certificate from the department.”

Clause 16A deals with the General Course and Clause 16B deals with the Self Financing Courses

It is admitted by counsel for the petitioner that the fee and funds deposited against the Self Financing Scheme shall not be refunded in any case whether a candidate surrenders his/her seat before or after joining the course.

However, the entire argument of the counsel for the petitioner is that though the petitioner had taken admission in MBA (Financial Service) in the Self Financing Course but the said seat was converted into general seat of MBA to which the provisions of Self Financing Course as provided in Section 16B of the Prospectus are not applicable rather in case the petitioner had not joined the course, the fee is required to be refunded to him after charging ₹1000/. As a matter of fact the shifting from one course to another is also provided under Section 16B(ii) of the prospectus in which it is provided that if a candidate, who has taken admission in a self financing course and shifted to a general course, then she would be entitled for balance fee after the adjustment. But here is a case where the petitioner has not been shifted to the general course rather she has retained the seat of the self financing course, therefore, she is not entitled to ask for refund under Clause 16A(1) of the Prospectus.

With these observations, I do not find any merit in the present petition and the same is hereby dismissed.

20.05.2016

Vivek

(RAKESH KUMAR JAIN)
JUDGE