

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

**CWP No.12384 of 2016
Decided on :15.09.2016**

Monika Chhiller and others

... Petitioners

Versus

State of Haryana and others

... Respondents

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present : Mr. Ajay Jain, Advocate
for the petitioners.

Mr. Randhir Singh, Addl. AG, Haryana.

Mr. Ramesh Hooda, Advocate
for respondents No.3 and 4.

Mr. Drupad Sangwan, Advocate for
Mr. Rose Gupta, Advocate for respondent No.5.

Mr. Arjun Pratap Atma Ram, Advocate
for respondent No.7.

G.S. Sandhawalia, J. (Oral)

The petitioners seek setting aside of Clause-7 mentioned in public notice dated 23.05.2016 (Annexure P-1) issued by respondent No.2. Vide the said notice, the students required to pay to the institute where they are adjusted, fee and other charges being paid by them to Gold Field Institute of Medical Sciences and Research, Faridabad (GFIMSR) for the corresponding academic year. The fee and other charges being charged at the institute where the students would be adjusted for the corresponding academic year, whichever is higher was to be paid. Similarly challenge has also been raised to the office order dated 02.06.2016 (Annexure P-2) issued by respondent No.3 asking the petitioners to deposit the amount of ₹9,30,000/- each before 02.06.2016.

The pleaded case of the petitioners is that they had appeared in the NEET held in the year 2013 for the academic year 2013-2014 and got admission in the GFIMSR by way of Government Quota. The said institute was closed down in February, 2016 and thereby they were adjusted as per the notice dated 23.05.2016. Their grouse is that they have been compelled to pay huge amount to respondent No.7-GFIMSR. The petitioners had taken admission with the respondent No.7-GFIMSR under Government Quota through counselling conducted by respondent No.3.

In the reply filed by respondents No.3 and 4-University the stand taken is that respondent No.2 had directed the answering university to submit a proposal for adjustment of students of GFIMSR and the minutes of the meeting dated 17.04.2016 (Annexure R-3) were attached. Accordingly, it was averred that counselling was held on 30.05.2016 and 31.05.2016 as per the public notice issued. The fee structure had been decided by Government of Haryana and the directions had been followed by the respondent-University.

It is not disputed that the petitioners who were studying with GFIMSR, which has admittedly been closed down. They have been duly adjusted by the State Government in other institutes. As per notice they had been directed to pay the same fee, which they were paying to GFIMSR for the corresponding academic year. The relevant Clause reads as under:-

“The students will be required to pay to the institute where they are adjusted, fee and other charges being paid by them to Gold Field Institute of Medical Sciences and Research, Village Chhainsa, Ballabgarh, Faridabad for the corresponding academic year or the fee and other charges being charged at the institute where the students would be adjusted for the corresponding academic year, whichever is higher.”

When the petitioners had taken admission in the GFIMSR, they were well aware that what were the charges, which were to be paid by them. By adjusting them in other colleges, the Government had only put a condition that they were required to pay the same charges. Therefore, they cannot as such turn around and challenge the terms of the public notice. The Government has taken adequate steps to redress their grievances by adjusting them in other institutes, so that their academic year does not spoiled. They cannot turn around and claim that they should be charged at lesser rates, because similarly situated students who are studying in Government Institutes are paying lesser rates. The students who are studying in different institutes had got admission initially with the Government Institutions in their first attempt itself. The petitioners who were not able to get admission with the Government Institutions at that point of time and, therefore, cannot turn around and claim parity as such to pay the fee at the Government rate.

Accordingly, there is no merit in the present writ petition and the same is dismissed.

The issue of refundable security deposited with GFIMSR will be redressed by the Government on filing of appropriate application

against the corpus, which has been received by the Government who shall keep in mind the interests of the students of all the four years and how the refund is to be accordingly made in case, if any, keeping in view the observations made in **CWP No.10700 of 2016 'Komal Poswal and others Vs. Union of India and others'** decided on 03.08.2016.

SEPTEMBER 15, 2016
Naveen

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No