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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ LPA 284/2016 & C.M.No.16876/2016.

POOJA VERMA Appellant

Through: Mr.Anilendra Pandey, Adv.

Versus

GURU GOBIND SINGH INDRAPRASHTA

UNIVERSITY & ANR Respondents

Through: Mr.Mukul Talwar, Sr.Adv. with
Ms.Anita Sahani, Mr.Nitin Sharma, Advs. for R-
1/GGSIPU.

Mr.Santosh Kr.Tripathi, ASC for R-3/GNCTD.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

31.05.2016

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1. After hearing both the parties, on 06.05.2016 we passed the following order:

"1. The appellant/writ petitioner filed W.P.(C) No.3835/2016 seeking a direction to the respondents to permit her to appear for the II Semester of B.Ed. Examination 2016-17 starting from 09.05.2016.

2. Admittedly, the appellant/writ petitioner was not allowed to appear for the said examination on the ground that she failed to submit her qualifying degree of B.A. on or before 15.10.2015. It is also not in dispute that the petitioner was aware of the cut-off date prescribed by the respondent No.1/University for submitting the qualifying degree. As rightly held by the learned Single Judge the Universities are entitled to stipulate a cut-off date for admission and the cut-off dates have sanctity in law. Therefore, the appellant/writ petitioner is bound to submit her qualifying degree before the cut-off date. Since, she failed to do so, the impugned action of

the respondents in not allowing her to appear for the B.Ed. examination cannot be held to be illegal. Therefore, the learned Single Judge cannot be held to have committed any error in declining to entertain the writ petition.

3. However, having regard to the fact that the appellant/writ petitioner was allowed to continue the B.Ed Course in the respondent No.2/College in spite of the fact that the cut-off date, i.e., 15.10.2015 expired long back, *prima facie* we are of the view that the petitioner is entitled to refund of the fees paid by her for admission into B.Ed. Course. We, therefore, direct both the parties to file their respective affidavits furnishing the particulars of the fees paid by the appellant/petitioner for the B.Ed. Course.

4. Call on 31.05.2015."

2. In terms of the abovesaid order, both the appellant/writ petitioner and the respondent No.1 University filed their affidavits. In her affidavit, the appellant/petitioner has stated that a sum of Rs.40,000/- had been deposited with the respondent No.1 University apart from depositing a sum of Rs.47,000/- with the respondent No.2 College.

3. In the affidavit filed on behalf of the University, it has been explained that the deposit of Rs.40,000/- and Rs.47,000/- was made by the appellant at the beginning of the course towards the fees fixed by the Fee Regulatory Committee appointed by the State Government in terms of Section 10 of the Delhi Professional Colleges Or Institutions (Prohibition of Capitation Fee, Regulation of Admission, Fixation of Non-Exploitative Fee and Other Measures to Ensure Equity and Excellence) Act, 2007. It is also stated that the appellant/writ petitioner had given an undertaking that in the event of her failure to submit the proof of her securing the prescribed marks in the qualifying examination before the cut-off date, the full fee deposited will be

forfeited. A copy of the said undertaking has also been annexed to the affidavit.

4. In the light of the statutory provisions which mandated payment of the fees at the beginning of the course, more particularly having regard to the undertaking given by the appellant/writ petitioner, we are of the view that the appellant/writ petitioner is not entitled to refund of fees.

5. Accordingly, the appeal is dismissed.

CHIEF JUSTICE

JAYANT NATH, J

MAY 31, 2016

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