

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.06.2017

CORAM

THE HON'BLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P.No.17372 of 2014

V.J.Dhayanand

... Petitioner

Vs

1. The Registrar,
Anna University,
Guindy, Chennai-25.
 2. The Correspondent/Principal,
Mohamed Sathak A.J. College of Engineering,
No.34, Old Mahabalipuram Road,
I.T. Highway SIPCOT, IT PARK,
Egattur, Chennai-603 103.
 3. The Chairman,
Mohamed Sathak Trust,
No.144, Nungambakkam High Road,
Chennai-34.
- ... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the 1st respondent to take necessary action on the representation of the petitioner, dated 07.03.2014 against the 2nd respondent to refund the amount of Rs.1,03,000/- paid by the petitioner towards tuition fees for the second year B.E. (ECE) Course for the academic year 2010-11.

For Petitioner : Mr.R.Munuswamy
For Respondents : Mr.M.Vijayakumar for R1
Mr.A.Sirajudeen, Senior Counsel
for Mr.A.Shaik Pareeth
for R2 and R3

ORDER

The Writ Petition has been filed seeking to issue a Writ of Mandamus, directing the 1st respondent to take necessary action on the representation of the petitioner, dated 07.03.2014 against the 2nd respondent to refund the amount of Rs.1,03,000/-

paid by the petitioner towards tuition fees for the second year B.E. (ECE) Course for the academic year 2010-11.

2. The petitioner's son, namely, D.Balaji, was admitted in the 2nd respondent college for the Degree Course of Bachelor of Engineering for the academic year 2010-2011. After the completion of the second semester, the petitioner seems to have paid Rs.1,02,500/- for the Second Year Course along with mess fees. It is stated that after the completion of the 1st year, the petitioner's son expressed his displeasure not to continue his education with the 2nd respondent college for the reasons best known to him and also did not attend the class even for a single day during the 2nd year of the course. Therefore, at the request of his father, namely, the petitioner, the 2nd respondent issued Transfer Certificate to the petitioner's son D.Balaji and thereafter, he has joined the Second Year B.E. (ECE) in R.V.S.Padmavathy College of Engineering and Technology. The 2nd respondent also had issued a "No Objection Certificate" for the petitioner's son to join the above said college. The petitioner, having paid the fees for the second year course, had voluntarily withdrew his son and admitted him in a different college. Having left the college on their own and taken the Transfer Certificate to join another college, the petitioner will be estopped from claiming the refund of the fees paid for the Second Year.

3. The petitioner's son also seems to have obtained "No Objection Certificate", Bonafide Certificate and also the Transfer Certificate from the 2nd respondent to join another institution and he is said to be continuing his studies in the other college. Therefore, the question of refund of the fees paid for the 2nd year does not arise.

4. The learned Counsel for the 2nd respondent college submitted that being a self-financing college, the college has only incurred loss due to the attitude and behaviour of the petitioner. Therefore, the question of refund the amount as claimed by the petitioner does not arise as he is estopped from doing so.

5. In the light of the above facts, there is no merit in the writ petition and the same is accordingly dismissed. No costs.

Sd/-
Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

tsi
To

1.The Registrar,
Anna University,
Guindy, Chennai-25.

+1cc to Mr.R.Munuswamy, Advocate Sr. 40791
+2ccs to Mr.A.Shaik Pareeth, Advocate Sr. 40335
+1cc to Mr.M.Vijayakumar, Advocate Sr. 40174

W.P.No.17372 of 2014

KGK(CO)
VR(14/07/2017)



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