

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:23.11.2017

CORAM :

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

W.P No.30811 of 2013

V.Keerthinarayan

... Petitioner

Vs.

1.The Principal,
Sri Sai Ram Institute of Technology,
Sai Leo Nagar, West Tambaram,
Chennai 600 044.

2.The Registrar,
Anna University,
Chennai 600 025.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India to issue a writ of Mandamus to direct the 1st respondent/The Principal, Sri Sai Ram Institute of Technology, to refund the amount of Rs.80,000/- (Rupees eighty thousand only) to the petitioner.

For Petitioner : Mr.R.Ramachandran

For Respondents: Mr.Sathish Kumar (for R1)

Mr.M.Vijayakumar (for R2)
Standing counsel

सत्यमेव जयते
O R D E R

The petitioner has got admitted in B.E., (Mechanical Engineering) Degree course on 16.08.2012 in the first respondent institution for the academic year 2012-13. He completed the first year course. Subsequently, the petitioner wrote entrance examination for M.B.B.S., course, conducted by Annamalai University on 07.06.2013. The petitioner was selected for M.B.B.S., in the counselling held on 28.06.2013. The petitioner applied for return of the original certificates and he got it on 02.07.2013 from the first respondent/College. However, the first respondent/College sought Rs.1,20,000/-, since the petitioner was leaving the college in the middle of the course. As the petitioner was compelled to pay Rs.1,20,000/-, the

petitioner paid the same. However, the first respondent issued a receipt only for Rs.40,000/- as if the petitioner had paid only Rs.40,000/- and not Rs.1,20,000/-. Subsequently, the first respondent had refunded Rs.40,000/- to the petitioner, by way of cheque dated 19.10.2013 on 24.10.2013. Therefore, seeking refund of balance amount, the petitioner has come before this Court.

2.Heard Mr.R.Ramachandran, learned counsel for the petitioner; Mr.Sathish Kumar, learned counsel for the first respondent and Mr.M.Vijayakumar, learned counsel for the second respondent.

3.It is evident that the petitioner was admitted in the first respondent/College on 16.08.2012 and subsequently, he discontinued the course on 01.07.2013 after one year, when he got admission in M.B.B.S. Course in Annamalai University. It is stated that for getting the certificates, the petitioner was compelled to pay Rs.1,20,000/-. Though the petitioner is stated to have paid Rs.1,20,000/-, the first respondent refunded only Rs.40,000/- by way of cheque dated 19.10.2013. It is a fact that if an Engineering student leaves the College, in the middle of the course, it may not be possible for private institutions like the first respondent to fill up the seat, as the number of Engineering Colleges is more than 600 and getting a seat filled is a difficult task nowadays. When that is the position, if every student, in the middle of the course, leaves the college and demand refund of fee, it may not be possible for the private institution and therefore, this Writ Petition is not maintainable and is liable to be dismissed.

4.Hence, this Writ Petition is dismissed. No costs.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

sai

+1cc to Mr.M.Vijayakumar, Advocate SR.No.83944

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RJ (CO)

sm:15.12.2017