

Sr. No. 206

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

CWP NO. 16043 of 2015(O&M)
Date of decision: 26.05.2017

Nitish Kalia

.....Petitioner

versus

Punjab Institute of Management(PIM) and others

.....Respondents

Coram: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. Sidharth Sharma, Advocate
for the petitioner.

Mr. Tribhawan Singla, Advocate
for respondents No. 1 to 3.

Rakesh Kumar Jain, J.(Oral)

This petition is filed for seeking a writ in the nature of mandamus directing the respondents i.e. Punjab Institute of Management (PIM), Punjab Technical University Main Campus, Kapurthala to refund the admission fee of the petitioner alongwith interest.

In short, the petitioner got admission in PIM in the Masters of Business Administration(MBA) Ist year for the session 2014-15 on 24.05.2014. He deposited a sum of Rs. 47,750/- as Semester Fee. The petitioner received an offer from Gleam Worldwide Services Pvt. Ltd., Kapurthala for the post of Technical Officer at the salary of Rs. 2,64,000/- per annum. The petitioner joined the classes on 24.06.2014 but he was informed that the classes will commence from 22.07.2014. On 19.08.2014, the petitioner made representations to the Director, Registrar, Vice Chancellor of the University for refund of his fee stating therein that he

cannot join the classes of MBA as he has already received an offer from a Pvt. Ltd. Company. Despite making representations to the concerned authorities, respondents did not return the admission fee, therefore, the petitioner filed RTI Case No.4697 dated 8.1.2005 seeking information of refund of fee. Information supplied to the petitioner is as under:-

“PIM can refund the fees in case the student surrenders his/her seat within 7 days of seat allocation after deducting a processing charge of INR 1,000. It may also be noted that should a student leave after joining the course and if the seat consequently falls vacant and does not get filled by another candidate there shall be no refund of fee. This rule is duly approved by Hon'ble Vice Chancellor of PTU and is available in brochure for admission uploaded on www.prucampusadmissions.org. Mr. Nitish Kalia took admission on 24-06-2014 and subsequently attended classes on July 23, 2014. He left the course on July 24, 2014 and the vacant seat could not be filled subsequently. Hence his fees cannot be refunded.”

Counsel for the petitioner has submitted that the petitioner had attended the classes only on 23.07.2014 and discontinued from 24.07.2014 as admitted by the respondent, therefore, he had studied only for a day and seat vacated by him has been later on filled up. In this regard, he has referred to a chart of allocation of MBA seats with a special reference to admission made on 25.07.2014 and 28.07.2014 of Ramandeep Kaur and Mandeep Kaur. Since the respondent did not refund the fee, therefore, present petition has been filed for seeking direction as stated hereinabove.

In reply, filed by the University it is averred that the petitioner

attended the classes on 23.07.2014 and on 19.08.2014 decided to leave the seat. It is submitted that thus, the seat vacated by the petitioner has not been filled up as the admission to which the petitioner has referred to i.e. of Ramandeep Kaur and Mandeep Kaur was made on 25.07.2014 and 28.07.2014, much before the date on which the petitioner decided to vacate the seat i.e. 19.08.2014 and there is no evidence brought on record by the petitioner that after he vacated the seat, it was filled up by another candidate.

Counsel for the petitioner has relied upon a decision of this Court rendered in the case of *Akhil Bhardwaj vs. The Secretary of Human Resources Development, New Delhi and others CWP No. 9852 of 2011 decided on 21.09.2012* to contend that even if the seat vacated the petitioner is not filled up, the other seats also remained vacant and therefore, vacation of seat by the petitioner has not caused any kind of loss to the respondent. Counsel for the respondents, however, submits that they are not concerned about the filling of the other seats but in so far as the seat vacated by the petitioner is concerned, the same has not been filled up, therefore, it has caused loss to the respondent for which the respondent is not entitled for the refund.

I have heard learned counsel for the parties and after examining the available record, am of the considered opinion that there is no merit in this petition because it has been made clear to the petitioner that fee would be returned if the seat is vacated within 7 days of allocation after deducting processing charge of INR 1,000. It was also made clear that the said rule has been approved by the Vice Chancellor and available in the brochure for admission uploaded on the website of the university. It is also made clear

that petitioner had taken admission on 24.06.2014, attended classes on 23.07.2014, stopped attending the classes from 24.07.2014 and made a representation on 19.08.2014 disclosing his mind that he does not want to continue with the study and asked for refund of fee. There is no evidence brought on record by the petitioner that after the seat vacated by him, was filled up by some other candidate and the two other candidates, namely, Ramandeep Kaur and Mandeep Kaur, who had taken admission in the institute of the respondent on 25.07.2014 and 28.07.2014 respectively is much before the date on which the petitioner had vacated the seat. The judgment relied upon by the petitioner is not applicable to the facts of the present case.

In view of the above, I do not find any merit in the present case and the same is hereby dismissed.

26th May, 2017

Shivani Kaushik

**[Rakesh Kumar Jain]
Judge**

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No