

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

CWP No.24949 of 2016

Date of Decision:10.05.2017

Aditi

.....Petitioner

vs.

**Pandit Bhagwat Dayal Sharma University of Health Science
and others**

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAKESH KUMAR JAIN

Present: Mr. Ved Parkash, Advocate for the petitioner.
Mr. Amit Rao, Advocate for Mr. Anurag Goyal,
Advocate for respondent No.1.
Ms. Tanisha Peshawaria, DAG, Haryana.
Mr. Manish Dadwal, Advocate for respondent No.3.

Rakesh Kumar Jain (Oral)

This petition is filed for the issuance of a writ in the nature of mandamus, seeking direction to the respondents, to refund the fee charged from the petitioner as per receipt Annexure P.2 as well as fee for which receipt has not been issued i.e. Rs.2 lac + Rs.1,21,000/- + Rs.20,000/-) total amounting to Rs.3,41,000/- as the petitioner does not want to pursue her studies in the College of the respondent and for which she has already intimated the respondent on 7.10.2016.

In brief, the petitioner, after having cleared 10+2 examination, appeared in the entrance test for the admission in Medical Colleges in the State of Haryana. She got admission in BDS in the Swami Devi Dayal Hospital and Dental College, Golpura, Panchkula and deposited the requisite fee as directed by the College- authorities. She got the admission in Management Quota. After taking admission, the petitioner surrendered the seat in writing on 3rd October, 2016 as she was pursuing her admission in other Colleges. Since there was no response by the respondents despite repeated requests, therefore, the present petition has been filed. After notice, the respondents have filed their reply.

Counsel for respondent No.3 has basically argued that the petitioner cannot be refunded fee because the seat vacated by the petitioner has not been consumed and as such loss has been caused to the College.

Counsel for the petitioner has submitted that as per chart of distribution of seats for the BDS, 100 seats were there in the College out of which 50 seats were of the Management Quota. Out of this Management Quota, 42 seats were meant for the General Category and 8 seats for NRI Category. It is also submitted that the petitioner got admission in the General Category Management Quota which after surrender has been filled up as the respondents have admitted that all 42 seats of the Management Quota have been filled up. But at the same time, it is submitted by the respondent that 8 NRI seats have been converted into General Category of the Management Quota because there was no NRI candidate for taking admission.

Be that as it may, since the petitioner had taken admission in the Management Quota in General Category and 42 seats of the General Category Management Quota have already been filled up, therefore, no loss is caused to the respondents on account of the seat vacated by the petitioner and thus the respondent-College is liable to return the fee charged from the petitioner.

In view thereof, the present petition is hereby allowed and direction is issued to the respondent- College to return the fee of the petitioner as claimed, within a period of 15 days from the date of receipt of copy of this order.

May 10, 2017

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(Rakesh Kumar Jain)

Judge

Whether Speaking/reasoned

Yes/No

Whether Reportable

Yes/No