

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CWP No.3716 of 2016
Date of Decision: 12.12.2017

Bhajan Lal

. . . . Petitioner

Vs.

Permanent Lok Adalat (PUS), Old District Court Complex, SAS Nagar
Mohali and others

. . . . Respondents

CORAM: - HON'BLE MR. JUSTICE RAKESH KUMAR JAIN

Present: Mr.Narender Singh Kamboj, Advocate,
for the petitioner.

RAKESH KUMAR JAIN, J. (ORAL)

The petitioner has challenged the order dated 14.10.2015 passed by the Permanent Lok Adalat (PUS), SAS Nagar Mohali [hereinafter referred to as 'the Lok Adalat'] by which an application filed by the petitioner under Section 22C of the Legal Services Authorities Act, 1987 [for short 'the Act'] has been dismissed.

The son of the petitioner got admission in B.Tech 1st year in the Doaba Group of Colleges, Mohali Campus, Village Ghataur, Kharar on 28.6.2014 and deposited ₹60,000/- towards fee against receipt No.2626. The son of the petitioner had also applied for admission in the Technological Institute of Textile and Sciences College at Bhiwani on 14.7.2014 wherein he got the admission. The petitioner had allegedly made an application on 17.7.2014 to respondent No.2 to withdraw the admission of his son and refund of fee. He also gave reminder on 10.10.2014 and thereafter served a

legal notice on 23.12.2014 and when the respondents did not reply, the petitioner filed the application before the Lok Adalat under Section 22C of the Act. However, the Lok Adalat dismissed the application of the petitioner on the ground that he has placed on record two similar applications bearing Annexure C-2 and Ex.C-2 under his signature whereas there is no date mentioned in Ex.C-2, therefore, the genuineness of the document was doubted.

Learned counsel for the petitioner has submitted that the petitioner had prepared three copies of the application dated 17.7.2014. One copy of the application was submitted to the respondents bearing the date but inadvertently, the counsel appearing on his behalf placed on record copy of the application dated 17.7.2014 bearing no date as Ex.C-2. Realizing his mistake, the petitioner then placed on record the application bearing the date as Annexure C-2. It is submitted that it was only an error on the part of the petitioner but he had actually submitted the application prior in time informing respondent No.2 about its decision to withdraw from the course and requested for refund of the fee.

Learned counsel for respondents No.2 & 3 has submitted that the parties are bound by the guidelines issued by the All India Council for Technical Education which are also appended by the petitioner as Annexure P-6 in which it is provided that *“in the event of a student/candidate withdrawing before the starting of the courses, the wait listed candidates should be given admission against the vacant seat. The entire fee collected from the student, after a deduction of the processing fee of not more than*

Rs.1000/- (Rupees one thousand only), shall be refunded and returned by the institution to the student/candidate withdrawing from the programme.”

The case of the respondents in their reply is that the son of petitioner had actually attended the classes after the course had started. According to them he had attended the classes from 22.12.2014 to 24.12.2014 till he actually got admission in the Institute at Bhiwani. It is therefore, submitted that once the son of the petitioner had attended the classes, therefore, he is not entitled for refund of the fee.

Learned counsel for the petitioner has though denied that his son has attended the classes but it is only an oral statement.

Be that as it may, the fact remains that there are no exact copy of the document Annexure P-2 because in one of the copy there is no date which was attached as Ex.C-2 whereas in the other copy there is a date mentioned which was attached as Annexure C-2. The Lok Adalat has rightly not believed the document tendered as Ex.C-2 because it did not bear any date on which the application was filed. If the application is submitted before the course and the son of petitioner had not attended the course then definitely he would have been entitled for refund of the fee but if the application had been submitted after the course had started i.e. 22.7.2014 and the son of the petitioner had also attended the course even for a day then he would not be entitled for refund of the fee in terms of the provisions of the guidelines as mentioned hereinabove.

The evidence is against the petitioner because the course started on 22.7.2014 and the respondents had alleged that the son of the petitioner

attended the classes from 22.12.2014 to 24.12.2014 and the two applications submitted by the petitioner as Ex.C-2 and Annexure C-2 are not the same.

In view of the above, there is hardly any reason for this Court to interfere in this petition and as such the same is hereby dismissed.

12.12.2017	(RAKESH KUMAR JAIN)
<i>Vivek</i>	JUDGE
<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>