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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 8536/2015, CM Nos. 18382/2015 & 29585/2016

SHUBHAM PRADHAN & ORS. Petitioners

Through: Mr. Anilendra Pandey and
Mr. Karunakar Mahalik, Advs.

versus

UNION OF INDIA & ORS. Respondents

Through: Mr. Vikas Mahajan, CGSC with
Mr. Brajesh Kumar, Govt. Pleader
and Mr. Shyam Sunder Rai, Adv. for
R1.
Ms. Anita Sahani and Ms. Leela
Suman, Advs. for R2.
Mr. R.K. Arora, Adv. for R3.

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

% **16.05.2017**

1. The present petition has been filed by the petitioners for quashing of Notification dated July 23, 2015 whereby the University has notified the fee for B.Tech (Power Engineering) (the course conducted by respondent No.3) for the academic session 2015-2016 to be as Rs.90,000/- excluding Rs.10,000/- as University share.

2. It is the case of the petitioners and also contended by their counsel that on March 05, 2015 prospectus including various details was issued for various courses to be conducted by respondent No.3 which included B.Tech (Power Engineering). On May 17, 2015 the entrance examination for the session 2015-16 was conducted. On May 24, 2015 the result of above examination was declared and all the petitioners were declared successful. On June 23, 2015 the first counselling was conducted and the last date for reporting was June 29, 2015. The second round of counselling was held on July 06, 2015 and the last date for reporting was July 11, 2015. Similarly, the third round of counselling was held on July 20, 2015 and the last date for reporting was July 23, 2015. The period between July 21, 2015 to July 24, 2015 was for verification of documents. On July 23, 2015, the circular for fee revision appeared on the website ipu.ac.in. Between July 26, 2015 and July 30, 2015 the spot round of counselling was conducted and the last date to report was July 30, 2015. It is submitted that only 13 petitioners/students have been admitted through this round of counselling.

3. On August 03, 2015 the academic session had started and on August 11, 2015 the respondent No.3 issued notice requiring the petitioners to deposit additional fee of Rs.65,000/- apart from the amount of Rs.40,000/-,

which already stood deposited. He states that in terms of the prospectus the students were entitled to prior and full information about amount, components, frequency and mode of any kind of payment including fee or charges of any kind and refund Rules. In other words, no notice was given to the students before the increase of the fee. That apart, the increase of the fee to Rs.1,05,000/- is arbitrary as no justification has been given for increasing the same to that extent. In other words, it should be a reasonable increase and not a steep increase.

4. On the other hand, learned counsel for the respondent No.3 would justify the increase in the fee. According to him, the respondent No.3 has been pursuing with the University for increase in fee from the year 2010 and ultimately revision of fee was intimated on July 9, 2015. He states, that the prospectus issued by University had clearly stated that the fee revision for that year was under consideration and the students have to pay revised fee, if any. The fee revision was approved by the Governing Council of the respondent No.3 on July 10, 2015. The University notified the revision of fee on July 23, 2015 on its website and the academic session for the year started on August 03, 2015. The session started ten days later than the date of fee increase. The plea that the increase was in mid-session is misleading

as the session had started on August 03, 2015. Many of the petitioners have taken admission in counselling held after the increase in fee having been intimated to them and they have deposited part of increased fee i.e Rs.60,000/-.

5. He would draw my attention to the relevant part of the prospectus, which indicate that the fee amount mentioned is very provisional and indicative for the candidates. That apart, it is his submission that the order dated July 20, 2015 issued by the University for the purpose of counselling at page 147 of the paper book stipulated the part academic fee is a sub part of the total fee payable for admission. The sub part other than Rs.40,000/- has to be paid by admitted students at the respective allotted University/School/College/Institute. He states that in the frequently asked questions (page 154), it was made clear, every candidate who is taking provisional admission against an allotted seat, has to deposit Rs.40,000/- as part payment and the same shall be adjusted towards the total fee payable by a candidate at the allotted Institute. According to him, the fee, which is being claimed by respondent No.3 is justifiable and similar to one being charged by other Institutes. He also states, if the fee of Rs.40,000/- is upheld then the respondent No.3 cannot conduct the course. Even now, the

respondent No.3 is incurring losses.

6. Ms. Anita Sahani, learned counsel for the University would make similar submissions that the fee as fixed is justified and the respondent No.3 being a Government Institution, the University is not charging its share of fee of Rs.10,000/-. That apart, it is her submission, there was sufficient notice for the students to pay the amount as claimed.

7. Having heard the learned counsel for the parties, the only issue which arises for consideration is whether the respondents were justified in increasing the fee without any prior and full information being given to the petitioners as alleged by them. The stipulation 3.1 of the prospectus at page 45 of the paper book does indicate that the students should have prior and full information about the amount, components, frequency and mode of any kind of payment including fee. It is also a conceded position that the Notification for increase in fee was issued on July 23, 2015. It is the case of the petitioners that the said Notification was issued on a different website, not on a website maintained by the University. The same is of no consequence and has caused no prejudice to the petitioners. That part of the prospectus annexed by the respondent No.3 of the University at page 140 of the paper book, the following has been stated:-

“It is stated that the fee amount charged by various Colleges, mentioned against each is very provisional and indicative for the candidates.”

8. No doubt, the prospectus does mention (page 143) against the respondent No.3 Institute that the fee for B.Tech (PE) as Rs.40,000/- but in view of the above stipulation in the prospectus that the fee is provisional and indicative is a sufficient notice to everyone including the petitioners that Rs.40,000/- is not a final fee that is to be charged. There is no dispute that the prospectus is dated March 05, 2015. If that be so, the impugned Notification of July 23, 2015, whereby the fee with regard to B.Tech (PE) course was increased is in consonance with the stipulation in the prospectus. The petitioners cannot claim that there was no notice that the fee can vary from Rs.40,000/-. That apart, I note, in one of the provisional admission slip issued to Mr. Navneet Raj, the petitioner No.2, (at page 54) who had paid an amount of Rs.60,000/- (not Rs.40,000/-) it was indicated that fee for 2015-16 is under revision and revised fee will be notified by the University and the same shall be applicable for the academic session 2015-16. It was also made clear, the difference between revised fee and the amount paid at the time of counselling will have to be paid by the student as per University instructions. The plea of the petitioners that the increase was in the mid-session is also not tenable. The notification is dated July 23, 2015 and the

session started on August 3, 2015. This also indicate that the petitioners were put to notice about the revision of fee.

9. Insofar as the plea of the learned counsel for the petitioners that the increase should be reasonable and not so steep as has been done by the respondents is concerned, is not appealing, inasmuch as it is for the Authorities to consider the aspect of fee to be paid for a particular course and the Court neither has the expertise nor the jurisdiction to decide such an issue.

10. In view of the limited grounds urged by the learned counsel for petitioners, this Court is of the view that the petitioners are not entitled to the reliefs prayed for in the writ petition. The petition is dismissed. No costs.

CM Nos. 18382/2015 & 29585/2016

Dismissed as infructuous.

V. KAMESWAR RAO, J

MAY 16, 2017/ak