

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.03.2018

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.21092 of 2017
and
WMP No.21968 of 2017

D.R.Aarthi
minor rep. by her father and
natural guardian D.Ramesh

... Petitioner

Vs

1.The Commissioner of Technical Education,
Department of Technical Education,
Directorate of Technical Education (DOTE)
Sardar Patel Road,
Guindy, Chennai - 600 025.

2.St. Joseph Institute of Technology,
Jeppiar Education Trust,
Jeppiar Nagar,
OMR Road,
Chennai - 600 119.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the first respondent to take necessary action against the second respondent institution for wilful non compliance of the direction issued by the first respondent to refund the college fees to the petitioner vide letter dated 19.06.2017.

For Petitioner : Mr.A.Kalaivanan

For R1 : Mr.A.Rajaperumal, AGP

ORDER

This writ petition has been filed for a Mandamus, directing the first respondent to take necessary action against the second respondent institution for not complying with the direction issued by the first respondent to refund the college fees, to the petitioner vide letter dated 19.06.2017.

2. According to the petitioner, she has selected the second respondent institution for pursuing her B.Tech course for the academic year 2016-17 during the counselling held on 15.06.2017. Pursuant to the same, she has joined the college by paying the course fee of Rs.2,19,000/-. However, due to personal reasons, she could not pursue her studies in the second respondent institution. Hence, she has discontinued her B.Tech course on 28.12.2016 and has intimated the same to the second respondent institution, due to which, her seat has also been filled up by some other candidate. Thereafter, the second respondent institution has issued the transfer certificate to the petitioner, but has not refunded the course fee paid by the petitioner. The father of the petitioner made repeated requests to the second respondent institution for refund of the course fee. Finding no response, he made a representation dated 17.04.2017 to the first respondent, who, by letter dated 19.06.2017, directed the second respondent to refund the corresponding eligible amount to the petitioner and send action report. Even thereafter, there was no response on the side of the second respondent institution. Hence, this writ petition.

3. Heard the learned counsel for the petitioner and the learned Additional Government Pleader for the first respondent. Despite the service of notice and the name of the second respondent having been printed in the cause list, there is no representation for the second respondent either in person or through any learned counsel.

4. On a perusal of the documents enclosed in the typed set of papers filed along with this writ petition, it could be seen that the petitioner has joined the second respondent institution in B.Tech course for the academic year 2016-17. Due to some reasons, she has discontinued her course. After repeated requests, she has got the transfer certificate from the second respondent, however, has not received the course fee paid by her at the time of admission in the second respondent institution.

5. At the request of the father of the petitioner, the first respondent has sent a communication dated 19.06.2017 to the second respondent institution, stating as follows:

"The petition cited in the reference has been received by this office from Thiru.D.Ramesh stating that his daughter Selvi.R.Arthi was admitted in 1st year B.Tech course in your college during the academic year 2016-17 and has paid an amount of Rs.2,19,000/- to your college. Later his daughter has discontinued the course due to personal problem and health problem and received her Transfer certificate and the seat given to his daughter has been filled by an another

student by management quota.

It is stated that your college did not refund the fee (which was paid at the time of admission) to him despite of his repeated requests.

The petitioner is seeking help to obtain refund of fee from your college.

In this regard, you are directed to refund the corresponding eligible amount to the candidate and send the action taken report to his office, immediately."

6.It is evident from the records that the direction so issued by the first respondent has not been fully complied with by the second respondent institution.

7.This Court is of the opinion that such attitude of the second respondent institution cannot be countenanced, as the petitioner has intimated her discontinuance to the second respondent institution before the cut-off date and the seat allotted to her, has subsequently, been filled up and the first respondent has also directed the second respondent to refund the fee to the petitioner. Therefore, considering the quantum of the amount involved herein and taking note of the financial status of the petitioner, this Court deems it appropriate to direct the second respondent to refund the course fee paid by the petitioner at the time of admission, to meet the ends of justice.

8.At this juncture, the learned counsel for the petitioner, on instructions, submitted that subsequent to the filing of this writ petition, the second respondent has refunded a sum of Rs.57,000/- to the petitioner.

9.In view of the above submission made by the learned counsel for the petitioner, the second respondent is directed to refund the balance fee of Rs.1,62,000/- [(Rs.2,19,000/-) - (Rs.57,000/-)] to the petitioner within a period of two weeks from the date of receipt of a copy of this order.

10.Accordingly, this writ petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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To

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Department of Technical Education,
Directorate of Technical Education (DOTE)
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Guindy, Chennai - 600 025.

2.St. Joseph Institute of Technology,
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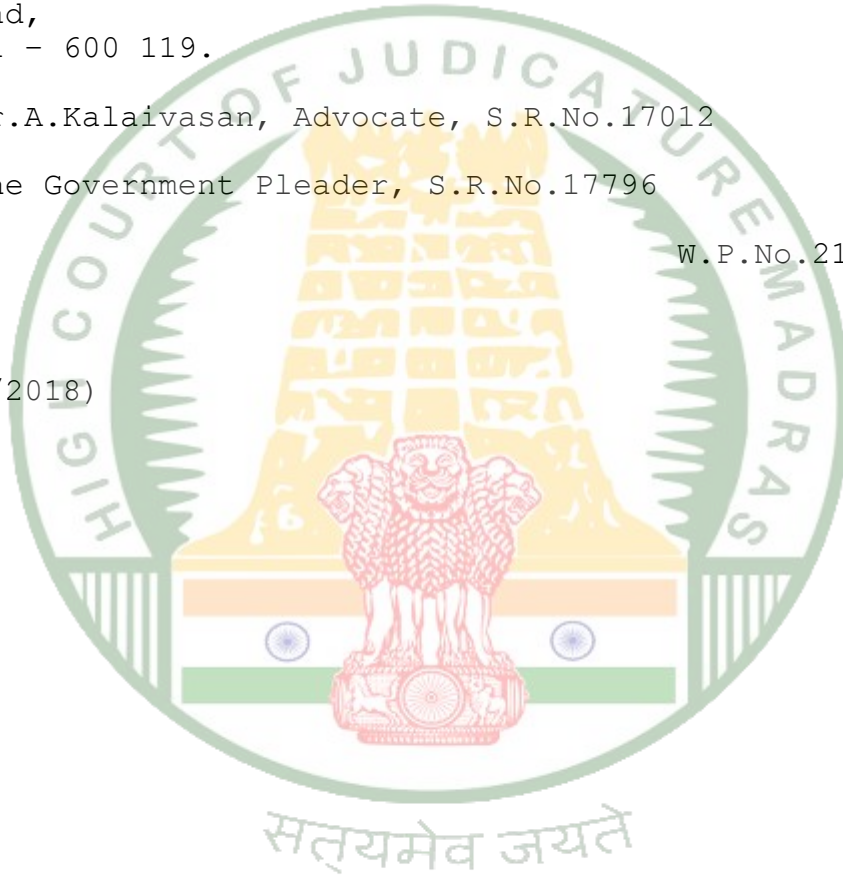
+1cc to Mr.A.Kalaiivasan, Advocate, S.R.No.17012

+1cc to the Government Pleader, S.R.No.17796

W.P.No.21092 of 2017

KGK(CO)

RRK(23/04/2018)



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