



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.03.2018

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

W.P. (MD) No.16655 of 2017

C.Kumaravel

... Petitioner

-Vs-

1.The Co-Ordinator,
Central Seat Allocation Board,
Malaviya Institute of Technology,
JLN Marg, Jaipur, Rajasthan.

2.The Registrar,
Indian Institute of Information Technology,
Kancheepuram. ... Respondents

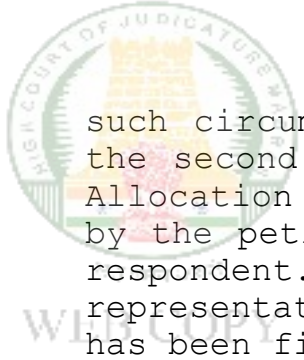
PRAYER:Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, thereby to direct the first respondent to refund the sum of Rs.46,059/- (Rupees Forty Six Thousand and Fifty Nine Only) with 12 % interest till the date of refund and refund the same within a reasonable time to be fixed by this Court.

For Petitioner	: Mr.P.Ganapathi Subramaniayan
For Respondents	: Mr.Balamuralikrishnan, For Mr.V.Karthikeyan.

ORDER

The writ petition has been filed seeking a direction to refund a sum of Rs.46,059/- (Rupees Forty Six Thousand and Fifty Nine Only) with 12 % interest till the date of refund.

2.According to the petitioner, the petitioner's son completed his Higher Secondary Course during March 2017, and secured 680 marks out of 1200, and also he applied for attending Joint Entrance Examination, paid participation fees, and secured 70 marks and also declared as an eligible candidate. Thereafter, a seat was allotted to the petitioner's son in B.E., Smart Manufacturing Course in the second respondent college, and the petitioner also paid fees in the second respondent college. When the petitioner approached the second respondent, the second respondent refused to admit his son stating that minimum educational qualification for admission of the above course is 75%, but the petitioner's son secured only 57.8% in the higher Secondary Course. Hence, he is not qualified, and the second respondent also refunded the fees paid by the petitioner. In



such circumstances, since the petitioner's son was not admitted in the second respondent college, the first respondent / Central Seat Allocation Board ought to have refunded the participation fees paid by the petitioner. He has also made a representation to the first respondent. But, so far no order has been passed on the representation of the petitioner, hence, the present writ petition has been filed.

3.The second respondent has filed a counter affidavit stating that annexure 2(b) of the rules prescribes norms for assessing performance in Class XII (or equivalent) examination and the candidate should satisfy at least one of these two criteria:

(i)The candidate is within the category-wise top 20 percentile of successful candidates in their respective class XII (or equivalent) examination of respective stream and Board.

(ii)The Candidate has secured minimum 75% (for GEN or OBC-NCL) or minimum 65% (for SC, ST or PWD) of aggregate marks in the Class XII (or equivalent) examination of respective stream and Board.

4.The petitioner's son also participated in the special counselling conducted by the first respondent and also paid participation fees of Rs.46,000/-, and based on the Joint Entrance Examination ranking, he has secured a seat allotment in B.Tech Smart Manufacturing course in the second respondent college. Since the petitioner's son have secured only 57.8% of marks in 12th class, he is not fulfilling the eligibility norms. Therefore, the admission was declined in the second respondent college. So far as the refund of fees is concerned, if no seat is allotted to the candidate in the special round, the participation fee will be refunded back, after deducting processing fee of Rs.1000/-. However, if a seat is allotted in the special round, the participation fee will not be refunded whether the candidate joins the allotted Institute or not.

5.In the above circumstances, as the petitioner's son is not fulfilling the necessary eligibility norms, the second respondent declined to admit the petitioner's son, and as per the rules, the petitioner is not entitled for refund of participation fees.

6.At this stage, the learned counsel appearing for the petitioner restricted his prayer that it is suffice, if the first respondent is directed to consider the petitioner's representation and pass suitable orders.

7.In the above circumstances, without going into the merits of the case and without considering the rival contentions, as the petitioner's representation is pending with the first respondent, the first respondent is directed to consider the petitioner's representation, and pass suitable orders on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.



8. With the above direction, this writ petition is disposed of. No costs.

Sd/
Assistant Registrar (P&A)

/True copy/

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Sub Assistant Registrar

To

1. The Coordinator,
Central Seat Allocation Board,
Malaviya Institute of Technology,
JLN Marg, Jaipur.

2. The Registrar,
Indian Institute of Information Technology,
Kancheepuram.

+1cc to Mr. P. Ganapathi Subramaniyan, Advocate, SR.No. 55288

+1cc to Mr. V. PERUMAL, Advocate, SR.No. 54706

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MYR

KK/CVC/06.04.2018/SAR-4/3P-5C