

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

CWP No.31150 of 2018

Date of Decision: 14.12.2018

Sourabh

.....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present:- Mr. Jasmer Singh Rozera, Advocate for the petitioner.

TEJINDER SINGH DHINDSA J.ORAL

Pleadings on record would indicate that petitioner was admitted to the B.A.M.S. Course against the State quota with the respondent No.3-Chaudhary Devi Lal College of Ayurveda, Jagadhri, which in term is affiliated to the Shri Krishna Aayush University, Kurukshetra-respondent No.2. Such admission was secured by the petitioner in pursuance to counseling process conducted on 25.10.2018. Petitioner claims to have deposited a fee amount of Rs.2,70,390/- on 27.10.2018 itself.

Instant petition has been filed seeking issuance of directions to the respondent authorities to refund the fee that has been deposited.

Learned counsel has referred to a notification dated 30.07.2018 (Annexure P-6) issued by respondent No.2-University, which covers the subject of refund of fee. As per notification dated 30.07.2018, request for withdrawal of admission by a candidate after the last date of admission and refund of fee is to be allowed only on account of certain exigencies which stand defined i.e. on account of death or serious mental illness/serious grievous physical injury.

The categoric submission made by learned counsel is that after

conduct of first and second counseling, a third counseling process was also undertaken by the respondent authorities from 11.11.2018 onwards and in relation to seats for B.A.M.S. Course under State quota as well.

It is submitted that the request for refund of fee was made on 29.10.2018 itself i.e. prior to the finalization of the admission process. It is argued that under such circumstances there would be no legal impediment in entertaining the request of the petitioner for refund of the fee. It is further urged that repeated requests have been made to respondent No.3-College as also respondent No.2-University but no response has been forthcoming. Learned counsel submits that he would be satisfied if the instant writ petition is to be disposed of with a direction to respondent No.2-University to consider the prayer of the petitioner for refund of the fee and to take a final decision thereupon.

Prayer made by learned counsel is just and reasonable. As such, without even ascertaining the correctness of the averments made in the writ petition, the same is disposed of by granting liberty to the petitioner to file a comprehensive representation before respondent No.2/University, as regards the refund of fee, within a period of two weeks from today.

In the eventuality of any such representation being preferred by the petitioner, respondent No.2-University, would be obligated to consider the same in accordance with law and to take final decision thereupon within a period of two weeks thereafter.

Writ petition disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

December 14, 2018

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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No