

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :21.10.2019

Coram:

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Writ Petition No.28755 of 2019

G.S.Sivaranjani

.. Petitioner

/versus/

1.Annamalai University,
Represented by its Registrar
Chennai 600 025.

2.All India Council for Technical Education (AICTE),
Nelson Mandela Marg,
New Delhi 110 070.

3.Pratyusha Engineering College,
Poonamallee-Thiruvallur Road,
Aranvoyal Post.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the first respondent to instruct the third respondent to refund twice the fee paid by the petitioner for the CS Computer Science and Engineering Course on making the allowable deductions within a stipulated time as per the norms of the second respondent issued in Advt.No.AICTE/Legal/04(01)2007 dated Nil and the representation of the petitioner dated 18/03/2019.

For Petitioner :Mrs.R.Meenal

For Respondents :Mr.M.Vijayakumar,
standing counsel for R1
Mr.Rabu Manohar for R2

O R D E R

The writ petition is filed by the student of the 3rd respondent college was opted out from the college before the commencement of the course.

2. According to the petitioner, she joined the 3rd respondent college through counselling and paid a sum of Rs.1,62,000/- towards college fees which included tuition fee, hostel fee, university fee, lab and stationery fee, development charges, newsletter, magazine, student activity, professional association etc. The petitioner stayed in the hostel from 27.08.2018, the date on which the college inauguration ceremony was conducted. Meanwhile on 01.09.2018 she got BDS seat under the government quota. So, she informed the 3rd respondent Management, obtained her original certificates and joined BDS course at Sri Venkateswara Dental College, Thalambur. However, the fees paid by her was not refunded, inspite of several requests. Hence, the present writ petition is filed on the ground that as per the AICTE notification, the Institutes are not entitled to withhold the fees collected if the candidate opted out from the college before the commencement of the course. In spite of that, the fees collected from her was not refunded.

3. It appears that the 3rd respondent college has transferred a sum of Rs.1,62,000/- into the account of the petitioner and the same is informed by the learned counsel appearing for the petitioner. As far as this petition is concerned, nothing survives for further adjudication.

4. It is unfortunate that some of the institutes are withholding the fees collected from the students, inspite of specific instruction from the AICTE as well as the Anna University that fees and original certificates collected by the institutes should not be withheld if the student opted out from that institute before the commencement of the course. The Anna University therefore requested that if any institute come under adverse notice withholding fees and certificates, suitable action must be taken against them as mentioned in the circular dated 07.08.2017.

5. Accordingly, this writ petition is disposed of.
No costs.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

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To

1.The Registrar,
Anna University,
Chennai 600 025.

2.All India Council for Technical Education (AICTE),
Nelson Mandela Marg,
New Delhi 110 070.

+1cc to Mr.B.Rabu Manohar , Advocate SR.No. 87894
+1cc to Mr.M.Vijayakumar , Advocate SR.No. 88138
+1cc to Mrs.R.Meenal , Advocate SR.No. 87892

W.P.No.28755 of 2019

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A.SK(21/11/2019)



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