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In the High Court of Judicature at Madras

Dated : 14.2.2020

Coram :

The Honourable Mr. Justice T.S. SIVAGNANAM

Writ Petition No. 32596 of 2015

M. Saravanan

...Petitioner

Vs

1. Anna University Rep. by its Registrar,
Anna University Campus, Guindy,
Chennai-25.

2. Ombudsman, Students Affairs, Anna
University, Anna University Campus,
Guindy, Chennai-25.

3. Saveetha Engineering College Rep.
by its Principal, Saveetha Nagar,
Thandalam, Sriperumbudur Taluk,
Kancheepuram District-602 105.

...Respondents

PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Mandamus directing the 3rd respondent to refund the entire amount of Rs.1,10,000/- (Rupees One Lakh and Ten Thousand only) to the petitioner paid for the admission of his son viz. S. Bharathesh in B.E. (ECE) Course at the 3rd respondent College within a reasonable time to be fixed by this Court.

For Petitioner : Mr. R. Neelakandan

For Respondents 1 & 2: Mr. M. Vijayakumar

For Respondent-3 : Mr. S. Saravanan

ORDER

I have heard Mr. R. Neelakandan, learned counsel for the petitioner, Mr. M. Vijayakumar, learned Standing Counsel for respondents 1 and 2 and Mr. S. Saravanan, learned Standing Counsel appearing for the third respondent.



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2. The petitioner's son, who had chosen to study a Bachelor of Engineering (ECE) course during the academic session 2014-15, opted for the third respondent college in the counseling conducted by the Anna University. Soon after joining the said course, after about two months, the petitioner's son secured a BDS seat in some other college and opted out of the engineering course from the third respondent college. The petitioner claims that he paid a sum of Rs.1.10 lakhs towards course fee including transportation charges and sought for refund and also for return of the original certificates belonging to his son. The third respondent college obtained a letter from the petitioner undertaking to pay the dues to the institution and on that condition, the certificates were returned. The petitioner has filed this writ petition seeking a direction to the third respondent college to refund the entire amount of Rs.1.10 lakhs.

3. The third respondent filed a counter affidavit, from which, it is seen that the petitioner paid only Rs.75,000/-, the break up of which being Rs.45,000/- towards tuition fee, Rs.4,000/- towards caution deposit, Rs.1,000/- towards application fee and Rs.25,000/- towards transportation fee. Even in the typed set filed along with this writ petition, the petitioner has not enclosed any proof to show that he paid a sum of Rs.1.10 lakhs. The third respondent college is ready to refund the transportation fee after deducting a sum of Rs.5,000/-, as the petitioner's son utilized their services for a month. The third respondent is also ready to refund the caution deposit. But, they conveyed their inability to refund the tuition fee, as the petitioner's son attended classes from 13.8.2014 to 29.9.2014.

4. The correctness of the stand taken in the counter affidavit by the third respondent college needs to be considered.

5. Admittedly, the petitioner's son discontinued the course in the third respondent college after attending classes for a period of two months. The third respondent college has taken a definite stand in their communication dated 12.1.2015 addressed to the Director, State Affairs, Anna University, Chennai-25 that they admitted 300 students for the relevant academic year i.e 2014-15 and were left with 292 students only in the ECE programme, as eight students, who opted general quota, discontinued after joining. The third respondent further stated that on account of discontinuing the course, the third respondent was unable to give opportunity to other candidates as it was too late for the institution to admit the candidates.



6. Even in the said communication, the third respondent agreed to refund transportation fee of Rs.20,000/-. Thus, the third respondent college is put to prejudice on account of the petitioner's son discontinuing the course in the middle of the academic year thereby resulting in the seat remaining vacant and depriving another eligible candidate for admission in the third respondent college during the relevant academic year. Therefore, the petitioner cannot seek for refund of the tuition fee.

7. As pointed out earlier, the petitioner has not produced any proof to show that he paid a sum of Rs.1.10 lakhs whereas in the counter affidavit filed, the third respondent stated that the petitioner paid only a sum of Rs.75,000/-. Therefore, for the present, this Court accepts the stand taken by the third respondent in the absence of the petitioner producing valid receipts to show the payment of remaining amount.

8. In the light of the above, the writ petition is partly allowed by directing the third respondent college to refund a sum of Rs.20,000/- towards the balance of transportation fee and Rs.4,000/- towards caution deposit. Considering the financial background of the petitioner, this Court is of the view that the said sum can be rounded off to Rs.25,000/-. Accordingly, the third respondent - college shall refund a sum of Rs.25,000/- (Rupees twenty five thousand only) to the petitioner by way of demand draft/bankers' cheque drawn in the name of the petitioner within a period of two weeks from the date of receipt of receipt of a copy of this order. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

To

1.The Registrar, Anna University, Anna University Campus, Guindy, Chennai-25.

2.Ombudsman, Students Affairs, Anna University, Anna University Campus, Guindy, Chennai-25.

+1cc to Mr.S.Saravanan, Advocate Sr.12373

WP.No.32596 of 2015

svI[co]
srg 06/03/2020