



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.07.2021

CORAM:

THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR

W.P.NO.21906 OF 2018

The Institute of Applied Science and
Business Management,
Having registered office,
At 90-A Shyam Bazar Street,
Kolkata -700 005.
Represented by its Coordinator,
M.Rajib Gain

... Petitioner

vs.

1. The Director,
Pride, Periyar University,
Salem.
2. The Registrar,
Periyar University,
Salem.
3. The Aspire Academy,
Study Centre Code 1682,
Represented by its Coordinator,
Harini Complex, 3rd Floor, 5 Roads,
Salem-636 004.

... Respondents

PRAYER:-

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents 1 and 2 to take action on the petitioner representation dated 17.07.2018 within a specified date.

For Petitioner : Mrs.S.Sasikala

For Respondents : Mrs.H.Mary Sowmi Rexi
For R1 and R2



O R D E R

It is the case of the petitioner that they have submitted application forms for Distance Education Programme in various disciplines for nearly 400 students through the third respondent Academy, out of which admissions for 122 students were returned by the University due to improper documents and the respondents University did not return the fees amount of Rs.3,37,077/-. The petitioner, in this regard, has submitted a representation dated 17.07.2018 to the respondents 1 and 2 and since, no response is forthcoming, has filed the present writ petition.

2. The first respondent has filed a counter affidavit wherein it has been stated that as per the records of the University, 90 students are entitled for refund of fee and the petitioner, vide letter dater 17.07.2018 informed the University that for 122 students, refund of amount is due and in view of the above contradiction between the statements of the petitioner and the third respondent, the University is not in a position to refund the same.

3. According to the learned counsel for the respondents 1 and 2, the University is ready to refund the fees in respect of 90 students by drawing the amount in favour of the petitioner, provided the application is submitted through the third respondent Academy with details of students.

4. In view of the aforesaid submissions, this Court directs the petitioner to make necessary arrangements for submission of application for refund of fees through the third respondent and on such application being made, the third respondent shall forward the same to the University and the University shall consider and pass appropriate orders in the light of the stand taken by them in the counter affidavit and communicate the decision taken to the petitioner.

5. With the above directions, this writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

Jvm



To

1. The Director,
Pride, Periyar University,
Salem.

2. The Registrar,
Periyar University,
Salem.

3. The Coordinator,
Aspire Academy,
Study Centre Code 1682,
Harini Complex, 3rd Floor, 5 Roads,
Salem-636 004.

+1cc to Mrs.S.Sasikala, Advocate, S.R.No.33901

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UM(CO)
PBS/10/08/2021