



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.01.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.13472 of 2016

Ms. Farha Sayeed

... Petitioner

Vs.

The Registrar,
Annamalai University,
Annamalai Nagar 608 202
Chidambaram, Cuddalore District.

... Respondent

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the Respondent to refund the tuition fee paid by the petitioner on 26/07/2013 as per clause 9(a) of the Prospectus issued by the Respondent.

For Petitioner : M/s Sri and Shankar Associates

For Respondent : Mr.K.Satishkumar.

O R D E R

The relief sought for in the writ petition is to direct the respondent to refund the tuition fees paid by the petitioner on 26.07.2013 as per Clause 9(a) of the prospectus. Clause 9 of the prospectus stipulates general note to applicants/selected candidates of all programs.

2. Clause 9(a) of the prospectus states that "The tuition fees and caution deposit minus the service charges of Rs.5,000/- will be refunded if the candidate discontinues the programme without attending the classes, and the resultant vacancy is filled up". Therefore, as per clause 9(a) of the prospectus, in the event of discontinuance by an admitted student, if the said vacancy is filled up, then the candidate who discontinues, is eligible to get the refund of the tuition fees. As per the said clause 9 (a), as if the resultant vacancy is not filled, then the candidate is not entitled for refund.

3. The learned counsel for the respondent made a submission



that the case of the writ petitioner was considered by the University and an order of rejection was passed in proceeding dated 26.05.2015, wherein the University has clearly stated that the petitioner was informed that his request cannot be acceded to since the resultant vacancies, due to her discontinuance, was not filled up. Therefore, when the vacancy was not filled up, the petitioner is not entitled for refund of fee.

4. The order of rejection was passed in the year 2014 and the present writ petition is filed in the year 2016 for a direction to refund the tuition fee and thus the petitioner is not entitled for any relief and consequently, the writ petition stands dismissed. However, there shall be no order as to costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

shr/ska

To

The Registrar,
Annamalai University,
Annamalai Nagar 608 202
Chidambaram, Cuddalore District.

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GPL(CO)
CT 15/02/2022