

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.10.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.NO.15372 OF 2016

M.Priyadarshini

...Petitioner

Vs.

1.The Principal Secretary/ Commissioner
Director of Technical Education
Chennai-25.

2.The Registrar
Anna University
Chennai-600025.

3.The Chairman
Vel Group of Institution
Avadi, Chennai-62.

4.The Principal,
Vel High Tech Sri Rangarajan Sakunthala
Engineering College
60, Avadi-Alamathi Road, Morai Village,
Vellanur Post, Ambattur Taluk,
Tiruvellore District-600062.

...Respondents

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of impugned proceedings of the 1st respondent herein vide Proceedings No.29119/ TAC/2009 dated 14.9.2015 and quash the same as null and void and against the basic principles of natural justice and consequently directing the respondents 3 and 4 herein to refund the sum of Rs.5,00,500/- (Rupees Five Lakhs and Five Hundred only) along with due interest till the date of realization payable by them within the stipulated period prescribed by this Honourable Court.

For Petitioner : Mr.G.Thangavel

For Respondents : Mr.C.Jaya Prakash [R1]
Government Advocate.
Mr.L.P.Shanmugasundaran [R2]
No Appearance [R3 & R4]

O R D E R

The order dated 14.09.2015, rejecting the claim of the writ petitioner for refund of tuition fee in under challenge in the present writ petition. The writ petitioner joined the 4th respondent college in the year 2008 and completed her 1st year in Electronic and Communication Engineering course. She attended the Anna University examination held on 23.06.2009 at 4th respondent college. At the time of entering the examination hall, the petitioner was in possession of money purse in which she had kept chits of the paper with regard to the subject matter of the examination for easy reference and forgot to remove the same from the purse because of the examination tension.

2. The grievance of the writ petitioner is that her explanation was not accepted and thereafter she discontinued the course. She has earlier filed a writ petition in W.P.No.16444 of 2009 before this Court with a prayer to direct the respondent to pass appropriate orders with a specific direction to the respondents 3 and 4 therein to refund a sum of Rs.5,00,500/-as claimed by the petitioner in her representation. Pursuant to the said direction, the impugned order has been passed.

3. The order impugned indicates that the case of the petitioner on merits was considered. The Directorate of Technical Education finally relied on two different judgments passed by the Madurai Bench of High Court of Madras in respect of the same college regarding two different candidates, reading as follows:

1. The Madurai Bench of Madras High Court passed an Order dated: 09.03.2012 in W.P.(MD) No. 3977 of 2009 and M.P.(MD) No. 1 of 2009 filed by Selvi.R.Gowthami that "Once a student is leaving in the middle of the course, the College will not be in a position to admit any student and consequently, the College undoubtedly will lose the revenue and in order to compensate such loss they have to collect the fees for the remaining years only from those students, who left the College in the middle of the course. By leaving the College in the middle of the course, the petitioner had not only prevented another person's change in getting the admission into the B.E. course and also made the College to suffer the loss. Therefore, the College is right in collecting the fees from the

petitioner in respect of 3rd and 4th year and consequently, there is no illegality in such action".

2. The Madurai Bench of Madras High Court passed an Order dated: 21.06.2013 in W.P.(MD) No. 8743 of 2013 that "the College cannot have a lien over the Educational Certificates of the petitioner and that the condition imposed on the prospectus that the entire fees for the remaining years of study should be paid cannot be accepted".

4. As per G.O.Ms.No.1258, Education Department dated 21.10.1985, it has been ordered as follows:

"The tuition fee and special fee shall not be refunded to the students who leave the Engineering Colleges after two months from the date of their joining. The tuition fee and special fee shall not also refunded to these students who discontinue their Engineering courses for any other reason".

5. When it is categorically ruled that the students who left the Engineering Colleges after two months from the date of their joining, they are not entitled to get refund of fees. Therefore, the petitioner cannot claim the refund of fee. Further the petitioner has completed the 1st year course and during the 1st year examination, she was caught red handed by Anna University Invigorator for certain malpractice during the examination. An enquiry was conducted and thereafter the petitioner discontinued the course. The petitioner was not able to established that even as per the prospectus she is entitled for refund of the fees.

6. This being the factum establish, the relief as such sought for refund of fees cannot be considered. After completion of one year of engineering course, the petitioner is not entitled for the refund and furthermore, she discontinued the course on account of certain malpractice. Thus, the writ petition is devoid of merits and stands dismissed. However, there shall be no order as to costs.

Sd/-
Assistant Registrar (CS-IX)

// True Copy //

Sub Assistant Registrar

shr/ska

To

- 1.The Principal Secretary/ Commissioner
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+1cc to the Government Pleader Sr.No.5598

W.P.No.15372 of 2016

GPL(CO)
RVM(16/02/2022)