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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.01.2022

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.21036 of 2019

M.Gurumurthy

... Petitioner

Vs.

1.The Principal,
Institute of Road and Transport Technology,
Vasavi College P.O.,
Suriyampalayam,
Erode - 638 316.

2.Secretary,
Tamil Nadu Engineering Admissions (TNEA)
Anna University,
Guindy,
Chennai - 600 025.

3.Registrar
Anna University,
Guindy,
Chennai - 600 025.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the first respondent to refund the sum of Rs.61,855/- (Rupees Sixty One Thousand Eight Hundred and Fifty Five only) being the fees paid by the petitioner herein.

For Petitioner : M/s.Kaushik N.Sharma

For Respondents : Mr.Thiyaparan for R1
for M/s.Kala Ramesh
Mr.C.Jaya Prakash for R2
Government Advocate (Hr. Edn.)
Mr.L.P.Shanmugasundaram for R3



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O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus directing the first respondent to refund the sum of Rs.61,855/- (Rupees Sixty One Thousand Eight Hundred and Fifty Five only) being the fees paid by the petitioner.

2.The case of the petitioner is that the petitioner's son took part in the Tamil Nadu Engineering Admissions - 2017 conducted by the second respondent and was allotted Civil Engineering at the Institute of Road and Transport Technology, Erode on 28.07.2017 and fees of a sum of Rs.61,855/- was paid to the account of the first respondent. Thereafter, the petitioner's son was admitted into the course of B.Sc.(Hons.) Agriculture in the counselling conducted by the Tamil Nadu Agricultural University, Coimbatore, on 11.09.2017 and the same was intimated to the first respondent. Thereafter, the petitioner sought for refund of the fees paid, however, the first respondent refused to refund the fees paid. Hence, this writ petition.

3.The learned counsel appearing for the petitioner submitted that this Court may issue direction to the first respondent to refund the fees collected at the time of the petitioner's son's admission since the petitioner's son joined the course of B.Sc.(Hons.) Agriculture.

4.The learned counsel appearing for the first respondent submitted that as per the Circular dated 07.08.2017 issued by the third respondent Anna University, in the event of a student withdrawing before the starting of the course, the entire fee collected from the student, after a deduction of processing fee of not more than Rs.1,000/- shall be refunded by the Institution and if a student leave after joining the course and if the vacated seat is consequently filled by another student by the last date of admission, the Institution shall refund the fee collected, after a deduction of processing fee of not more than Rs.1,000/- and proportionate deductions of monthly fee and proportionate hostel rent, where applicable.

5.The learned counsel appearing for the first respondent further submitted that in the present case, the petitioner's son attended classes from 28.08.2017 till 08.09.2017 and thereafter joined the course of B.Sc.(Hons.) Agriculture and subsequently, the seat was not filled and said seat closed. Hence, the petitioner is not entitled for entire fees. The learned counsel further submitted that the sum of Rs.3,300/- paid by the petitioner towards his son's University Exam Fees was already returned to the petitioner and that the petitioner is entitled to a sum of Rs.5,000/- being the caution deposit.



6. Admittedly, the petitioner's son joined the course of Civil Engineering at the Institute of Road and Transport Technology, Erode and fees of a sum of Rs.61,855/- was paid to the account of the first respondent. The petitioner's son attended the classes from 28.08.2017 till 08.09.2017 and thereafter joined the course of B.Sc.(Hons.) Agriculture and subsequently, the seat was not filled. In view of the above said Circular, the petitioner is not entitled for entire fees. Further, the learned counsel appearing for the first respondent represented that the petitioner is entitled to a sum of Rs.5,000/- being the caution deposit.

7. In view of the above, this Court directs the first respondent to refund the amount of Rs.5,000/- being the caution deposit, to the petitioner within a period of four weeks from the date of receipt of a copy of this order.

8. The writ petition is disposed of with the above direction. No costs.

Sd/-

Assistant Registrar (CS-II)

//True copy//

Sub Assistant Registrar

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To

1. The Principal,
Institute of Road and Transport Technology,
Vasavi College P.O.,
Suriyampalayam,
Erode - 638 316.

2. The Secretary,
Tamil Nadu Engineering Admissions (TNEA)
Anna University,
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Chennai - 600 025.

3. The Registrar
Anna University,
Guindy,
Chennai - 600 025.



+1cc to Mr.Kala Ramesh, Advocate SR.No.5788

+2ccs to M/s.KNS Law Chamber, Advocate SR.No.6630

+1cc to Government Pleader SR.No.6439

W.P.No.21036 of 2019

MT (CO)
GMY (08/03/2022)