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W.P.No.16575 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.10.2022

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P.No.16575 of 2022

P.Harshika

... Petitioner

-Vs-

1.The Director,
Directorate of Collegiate Education,
9th Floor, EVK Sampath Maaligai,
DPI Campus, College Road, Nungambakkam,
Chennai – 600 008.

2.The Principal,
Justice Basheer Ahmed Sayeed College for Women,
Teynampet,
Chennai – 600 018.

... Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents to consider and dispose of petitioner's pending representation dated 03.02.2022, within a stipulated time framed by this Court.

For Petitioner : Mr.M.Velmurugan

For R1 : Mr.C.Jayaprakash,
Government Advocate

For R2 : Mr.B.Senthil Nathan

ORDER



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The prayer sought for herein is for a writ of mandamus, directing the respondents to consider and dispose of the petitioner's representation dated 03.02.2022.

2.The petitioner joined in a BCA course at the second respondent College for the Academic Year 2020 – 2021. However, the petitioner did not attend a single class because of Covid-19 situation. Therefore, the fees paid i.e., Rs.27,485/- as Tuition fees, Rs.1,000/- as Special fees, Rs.515/- as University fees, totally a sum of Rs.29,000/- has to be refunded to the petitioner. Therefore, in order to get the same, the petitioner has given representation to the second respondent College on 03.02.2022 and the same since has not been considered, the petitioner has approached this Court by filing the present writ petition.

3.Heard Mr.M.Velmurugan, learned counsel appearing for the petitioner, who would submit that due to Covid-19 situation, the entire fees collected from the students by various institutions like the second respondent were directed to refund as per the circular issued by the University of Madras, in which, the second respondent College was affiliated, by communication dated 03.03.2021 the University of Madras



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has stated the following :

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“With reference to above letter cited, the information is furnished below for your perusal.

Reply: A General circular was sent to all colleges affiliated to University of Madras that as per the UGC Guidelines for the session 2020-21 in view of COVID 19 Pandemic situation the Management of the College is requested to refund the entire feess collected from the student on cancellation / withdrawal of admission up to 30.11.2020 and to refund the entire feess after deducting processing fees not more than Rs.1000/- for the students who have cancelled or withdrawn the admission up to 31.12.2020.”

4.Apart from that, the University Grants Commission (UGC) has given mandatory guidelines to the institutions like the second respondent to refund the fees due to Covid – 19 situation and even in normal year or normal days, if the students joined and left the institutions without attending the classes for whatever reasons, the fees have to be refunded to the students depending upon the days he/she attended like 75% refund and 50% refund etc., at any rate, the fees paid by the petitioner should be refunded in full because of the guidelines or the circular issued by the University Grants Commission or the University concerned because of the Covid-19 situation, as not even a single class that was conducted or attended by the petitioner. Therefore, in order to consider the request of



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the petitioner dated 03.02.2022 and to refund the fees, the petitioner has approached this Court and filed this writ petition, he contended.

5.Heard Mr.C.Jayaprakash, learned Government Advocate appearing for the first respondent and Mr.B.Senthil Nathan, learned counsel appearing for the second respondent.

6.The learned counsel appearing for the second respondent, on instructions, would submit that, even during the Covid-19 situation though there was no direct offline classes conducted, online classes were conducted and the teaching and non-teaching staffs were continued to work in their institution for whom, salary and other perquisites were paid by the College Management.

7.When that being so, seeking for refund of fees paid by the petitioner may not be justifiable. Therefore, the said plea raised by the petitioner through his representation dated 03.02.2022 cannot be considered positively as it is not feasible for compliance, he contended.

8.I have considered the said rival submissions made by the learned



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counsel appearing for both sides and have perused the materials placed before this Court.

9.Insofar as the entitlement of the refund of the fees in full to the petitioner is concerned, apart from the UGC guidelines due to Covid-19 situation, the University has also directed the affiliated Colleges to refund the full fees as no classes were conducted and the petitioner also not even attended a single class, therefore, she is entitled to get the refund of full fees. Insofar the full entitlement of the fees is concerned, there is no plausible reason made by the second respondent in view of the mandatory guidelines issued by UGC as well as the circular issued by the University and due to Covid-19 situation through out the country, these kind of refunding was made possible. Therefore, this Court feels that the plea raised by the petitioner can positively be considered by the second respondent.

10.In that view of the matter, this Court is inclined to dispose of this writ petition with the following orders :

That there shall be a direction to the second respondent



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to consider the representation of the petitioner dated 03.02.2022 and accordingly, refund the fees paid by the petitioner for the BCA course she joined in the Academic Year 2020 – 2021 within a period of two weeks from the date of receipt of a copy of this order.

11. With this direction, the writ petition is disposed of. No costs.

20.10.2022

Index: Yes/No
sp/mp

To

The Director,
Directorate of Collegiate Education,
9th Floor, EVK Sampath Maaligai,
DPI Campus, College Road, Nungambakkam,
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R. SURESH KUMAR, J.

sp

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