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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.01.2022

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.NO.42781 OF 2016

G.Mahendran

...Petitioner

Vs.

1.The Director,
Directorate of Technical Education
Sardar Patel Road, Guindy,
Chennai 600025.

2.The Principal,
Sri Sakthi Institute of Engineering and Technology,
(Thiru. S. Sengoda Gounder Educational & Charitable Trust,
Sri Sakthi Nagar, Chinniyampalayam PO
Coimbatore 641034.

...Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 1st respondent, to take appropriate steps to recover amount of Rs.1,35,000/- from the 2nd respondent and hand over to the petitioner.

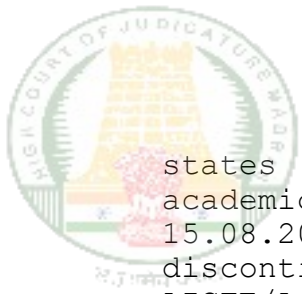
For Petitioner : Mr.P.Saravanan

For Respondent : Mr.Jaya Prakash
Government Advocate [R1]
Mr.Kandhan Durai Sami [R2]

O R D E R

The writ on hand has been instituted to direct the 1st respondent to take appropriate steps to recover amount of Rs.1,35,000/- from the 2nd respondent and hand over to the petitioner.

2. The petitioner states that his daughter has completed her Higher Secondary course and joined 1st year B.E. (Electrical and Electronics Engineering) Course in the 2nd respondent College under Management Quota for the academic year 2016-2017. The petitioner paid a sum of Rs.1,35,000/-, which consists College fee for the academic year 2016-2017. On 28.07.2016, Rs.30,000/-



states that since the last date for student admission for the academic year 2016-2017 was already over as early as on 15.08.2016, the 2nd respondent college could not fill up the discontinued seat after the last date. However, as per AICTE/Anna University guidelines, no student could be admitted after the last date and the seat remained vacant for the entire four years and having given a No Due certificate and having collected all the original certificates from the 2nd respondent college on 30.08.2016 itself, it is unfair on the part of the petitioner and his daughter to seek refund of fees from the 2nd respondent college, which is in violation of the guidelines issued by the AICTE/Anna University.

9. The question to be considered in the present writ petition is that whether the petitioner is entitled for refund of the fee paid to the 2nd respondent. It is admitted that the petitioner was admitted in the 2nd respondent college to undergo four year B.E. Course in Electrical and Electronics Engineering. She was admitted in the college and attended classes for five days. Unfortunately, the last date for admission was on 05.08.2016 and the petitioner submitted a letter for her discontinuance after the last date. Therefore, the 2nd respondent college handed over the original certificates and the No Dues certificate, however, not consider the case of refund of fee based on the guidelines issued by the AICTE/Anna University.

10. The Anna University issued a letter in Lr.No.AICTE/SA3/2017 on 07.08.2017. The letter reveals that AICTE has issued an Approval Process Handbook 2017-18 to create an academic ambience in the Technical Institutions for nurturing and supporting quality so that technical education in India will be one of the best in the world. Further, AICTE has also given the criteria for refund of fees and return of original certificates in case of students' withdrawal of the admission before and after the commencement of the course, which are as follows:

" In the event of a student withdrawing before the starting of the Course, the entire fee collected from the student, after a deduction of the processing fee of not more than Rs.1,000/- (Rupees One Thousand Only) shall be refunded by the Institution.

It would not be permissible for Institutions to retain the School/Institution Leaving Certificates in Original.

Should 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 must refund the fee



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collected after a deduction of the processing fee of not more than Rs.1,000/- (Rupees One thousand only) and proportionate deductions of monthly fee and proportionate hostel rent, where applicable.

In case the vacant seat is not filled, the Institution should refund the security deposit and return the original documents.

Institution should not demand fee for the subsequent years from the students cancelling their admission at any point of time. Fee refund along with the return of Certificates should be completed within 7 days.

Institution not following guidelines issued by the Council regarding refund of fee on cancellation of admission or delaying refunds shall be liable to any one or more of the following punitive actions by the Council.

- Fine for non-compliance of refund of fee levied against each case shall be twice the total fee collected per student.
- Suspension of approval for supernumerary seats, if any for one Academic Year.
- Reduction in "Approved Intake"
- No Admission in one/more Courses for one Academic Year
- Withdrawal of approval for Programme/Course"

11. As per the above guidelines, in the event of student withdrawing before the starting of the course, the entire fee collected from the students after a deduction of processing fee of not more than Rs.10,000/- shall be refunded by the Institution.

12. In the present case, the petitioner attended five days classes. However the guidelines states that "In case the vacant seat is not filled, the institution should refund the security deposit and return the original documents". In the present case, the original documents were already returned and the security deposit was not collected from the writ petitioner's daughter. The 2nd respondent filed an affidavit stating that the last date for student admission for the academic year 2016-2017 was already over as early as on 15.08.2016 itself and the 2nd respondent could not fill up the discontinued seat after the last date.

13. This being the factum established, the relief sought for in the present writ petition by the petitioner for refund of fees cannot be considered as per the guidelines issued by the



AICTE/Anna University. Thus, the writ petition stands dismissed.
No costs.

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Sd/-
Assistant Registrar (CS-IX)

// True Copy //

Sub Assistant Registrar

shr/ska

To

1.The Director,
Directorate of Technical Education
Sardar Patel Road, Guindy,
Chennai 600025.

2.The Principal,
Sri Sakthi Institute of Engineering and Technology,
Coimbatore 641034.

+1cc to Mr.P.Saravanan, Advocate Sr.No.5565

+1cc to M/s.Muthumani Doraiswami, Advocate Sr.No.5552

+1cc to the Government Pleader Sr.No.5599

W.P.No.42781 of 2016

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