



W.P.(MD).No.9927 of 2013

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.08.2022

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

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The Correspondent,
Anisha Teacher Training Institute,
(Proposed to run by RISE Educational
and Charitable Trust),
represented by R.Anitha.

... Petitioner

Vs.

The Regional Director,
National Council for Teacher Education,
Southern Region Committee,
1st Floor, CSD Building,
HMT Post,
Bangalore – 560 031.

... Respondent

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondent to return back the amount of Rs.40,000/- paid by the petitioner as inspection charges of recognition of D.T.Ed course of the petitioner's institution namely Anisha Teacher Training Institute, (Proposed to run by RISE Educational and Charitable Trust) at Kuzhivilagam, Cheruvallor Post, Kanyakumari District.



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For Petitioner : Mr.D.Christenson Jugunu

For Respondent : Mr.Su.Srinivasan

ORDER

The present repetition has been filed seeking a Writ of Mandamus, to direct the respondent to refund a sum of Rs.40,000/- paid by the petitioner towards inspection charges for recognition of D.T.Ed course proposed to be run by the petitioner institution.

2.According to the learned counsel for the petitioner, they had applied for recognition of D.T.Ed course. Along with the application they have enclosed Rs.40,000/- towards inspection charges and Rs. 1000/- towards application fees. However, without conducting any inspection the respondent authorities has closed the application as incomplete due to certain defects and deficiencies. After closing this said application, the charges for spot inspection were not refunded. Hence, the petitioner had sent a representation to the respondent institution on 27.08.2012. Since there was no response from the respondent, the present writ petition has been filed.

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3.The learned Standing Counsel for the respondent had contended that once an amount is paid towards inspection charges, the same cannot be refunded on a later point of time. Hence, he prayed for dismissal of the writ petition.

4.I have perused the affidavit and the documents filed in the typed set of papers. The petitioner has applied for recognition of D.T.Ed course for their institution. Admittedly, the petitioner has paid a sum of Rs. 1,000/- towards application fees and Rs.40,000/- towards inspection charges. Even without conducting a spot inspection, the respondent hearin has passed an order on 12.05.2008 and closed the file on the ground that it is incomplete. Hence, it is clear that fee that was charged for spot inspection was not utilised and no spot inspection has taken place. In such circumstances, the contention of the respondent is not legally sustainable. Hence, the respondent (whose Office is now located in Delhi) is directed to refund the said amount of Rs.40,000/- to the writ petitioner within a period of 8 weeks from the date of receipt of a copy of this order.



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5. With the above said direction, the writ petition is allowed. No costs.

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Index : Yes / No
Internet : Yes / No

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R.VIJAYAKUMAR ,J.

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Note :

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

Order made in
W.P.(MD).No.9927 of 2013

01.08.2022