



W.P(MD)No.10137 of 2014

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.11.2022

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THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.10137 of 2014

A.Kanthasamy

... Petitioner

Vs.

1.All India Council for Technical Education(AICTE),
Represented by its Member Secretary,
7th Floor, Chanderlok Building,
Janpath,
New Delhi.

2.The Director/Commissioner of Technical Education,
Guindy,
Chennai-26.

3.SRM University,
Represented by its Registrar,
Kattankulathur,
Chennai.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Manamus, directing the Respondents No.2 and 3 to refund the tuition fees/processing fees for Admission into B.Tech Course for the Academic Year of 2013-2014 for a sum of Rs. 92,000/- (Ninety two thousand only) with interest paid to the petitioner within the time frame fixed by this Court.



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For Petitioner : Mr.T.Lajapathi Roy
For R1 : Mr.N.Dilip Kumar
For R2 : Mr.V.Om Prakash
Government Advocate
For R3 : Mr.S.Anwar Sameem
for M/s.B.Swaraswathi

ORDER

The present writ petition has been filed seeking a writ of Mandamus, directing the 3rd respondent/University to refund the tuition fees/processing fees for Admission into B.Tech Course for the Academic Year of 2013-2014 for a sum of Rs. 92,000/- (Ninety two thousand only).

2. According to the petitioner, his daughter, namely K.Sumathi got admitted to B.Tech in Electrical and Electronics Engineering for the academic year 2013-14 in the 3rd respondent/University. At the time of counselling, he had paid a sum of Rs.75,000/- (Rupees Seventy Five Thousand only). Thereafter, the petitioner has paid a sum of Rs.1,10,000/- (Rupees One Lakh and Ten Thousand only) in favour of the 3rd respondent. Though the classes started on 15.07.2013, the petitioner's daughter had requested to permit her to join the classes from



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01.08.2013 onwards. Thereafter, the petitioner's daughter had made a request on 30.07.2013 for grant of Transfer Certificate on the ground that she got BDS (Bachelor of Dental Surgery) seat in a different college. Hence, she has requested for repayment of tuition fees paid by her. Since the request was not properly responded, the present writ petition has been filed.

3. According to the learned counsel for the petitioner, the petitioner has paid a sum of Rs.2,15,000/- (Rupees Two Lakh and Fifteen Thousand only) towards tuition fees and other charges to the 3rd respondent/University.

4. The learned counsel appearing for the 3rd respondent, on instructions, submits that the University has already refunded a sum of Rs.1,22,500/- (Rupees One Lakh Twenty Two Thousand and Five Hundred only) to the student while she had left the University. However, not being satisfied, the present writ petition has been filed seeking refund of the balance amount of Rs.92,000/- (Rupees Ninety Two Thousand only).



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5. As per UGC regulations, if the student had left the course after joining the course and if the seat has consequently fallen vacant, the vacant seat was filled up by another candidate by the last date of admission, the institution must return the fee collected after proportionate deductions of monthly fee and proportionate hostel rent, wherever applicable. In the present case, the student has not attended the classes and only 50% of the fee has been refunded. There are no records before this Court to establish that the said seat was not filled up by another candidate. Hence, as per the UGC regulations, the 3rd respondent/University could deduct only a sum of Rs.1,000/- (Rupees Thousand only) and balance amount shall be refunded to the writ petitioner.

6. In view of the above said facts, the 3rd respondent/University is directed to refund a sum of Rs.91,000/- (Rupees Ninety One Thousand only) to the writ petitioner within a period of four (4) weeks from the date of receipt of a copy of this order. The petitioner or his daughter can approach the 3rd respondent/University and collect the same in person.



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7. With the above said observations, this Writ Petition stands partly allowed. No costs.

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Index : Yes / No
Internet : Yes / No

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