

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

Sr. No.249

CWP-2829-2022 (O&M)

Reserved on : 30.11.2022

Pronounced on: 07. 12.2022

Amit Singh Rathour

..... Petitioner

VERSUS

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Amit Singh Rathour, petitioner in person.

Mr. Gurvinder Singh, AAG, Punjab

Mr. Puneet Gupta, Advocate, for respondent No.2.

SUDHIR MITTAL, J.

The controversy in this case pertains to payment of fee and other charges for the academic session 2020-21. The petitioner is a student of LL.M. (one year course) conducted by respondent No.2-University during the said session. He seeks adjustment of Hostel Fee amounting to Rs.35,000/- and Amenities Fee amounting to Rs.23,000/- before calculating the amount due to be paid in the second instalment. As per the fee structure, total fee for the course was

Rs.1,62,000/-, payable in two instalments, the first one being of Rs.1,12,500/- and the second one of Rs.49,500/-. The total fee comprised Amenities Fee amounting to Rs.23,000/- and Hostel Rent amounting to Rs.35,000/-. In support of this case, reliance has been placed upon Minutes dated 25.03.2021 of the Meeting of the Finance Committee.

Pleadings are complete and parties have been heard.

The petitioner in person submits that the entire course having been conducted online, he was not required to avail the hostel facilities nor he did so. Thus, demand of Hostel Rent was unreasonable. Withholding of the result to force the petitioner to pay the said charges is also unreasonable and arbitrary.

Learned counsel for respondent No.2-University submits that an identical petition filed by the students of the LL.B. course was dismissed by this Court vide judgment dated 20.04.2022 passed in CWP-9682-2020 titled as **Aditya Kashyap and others Vs. State of Punjab and another**. The said judgment has been modified by a Division Bench judgment dated 21.11.2022 passed in LPA-716-2022 titled as **Aditya Kashyap and others Vs. State of Punjab and another** only to the extent of reduction in the Hostel Rent by 50%. The present case being identical to the said case, a similar relief can be granted to the petitioner also.

The petitioner in person controverts the submission aforementioned only to the extent of stating that he did not avail hostel

facilities at all on account of Covid-19 pandemic and on account of all classes having been conducted online. Thus, the case of the LL.B. students is slightly different inasmuch as the said students had occupied their respective hostel rooms before Covid-19 pandemic started and retained the same during the period classes were conducted online.

The submission of the petitioner that the entire course was conducted online has not been denied by respondent No.2-University. As a necessary corollary, it has to be held that he did not avail the hostel facilities at all. In this view of the matter, demand of hostel rent is unreasonable. Thus, the writ petition is allowed to this extent. Demand raised vide notice dated 19.06.2021 and notice dated 23.07.2021 is quashed to the extent of the demand for payment of hostel rent only. Amenities charges having been upheld by this Court vide judgment dated 20.04.2022 passed in **Aditya Kashyap** (supra) and the said direction having not been interfered with by the Division Bench while passing judgment dated 21.11.2022 in LPA-716-2022, the petitioner is not entitled to relief regarding the same.

The writ petition is, thus, partly allowed. Respondent No.2-University is directed to deduct an amount of Rs.35,000/- towards Hostel Rent while demanding payment of the second instalment of fee. If, the entire second instalment has already been paid, the said amount shall be refunded to the petitioner within four weeks from the date of receipt of certified copy of this order. Otherwise, the petitioner is directed to make payment of the second instalment minus the hostel

rent within one week from the date of receipt of a certified copy of this order. Result of the petitioner shall also be declared within the said period.

(SUDHIR MITTAL)
JUDGE

07.12.2022
Ramandeep Singh

Whether speaking / reasoned	Yes
Whether Reportable	Yes