



W.P.No.2116 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.03.2023

CORAM

THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

W.P.No.2116 of 2019

M.Iswariya

...Petitioner

Vs.

Annamalai University,
Rep. by its Registrar,
Annamalai Nagar, Chidambaram.

...Respondent

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records from the respondent relating to the order bearing Ko.No.273/2018, dated 04/06/2018, and to quash the same and consequently direct the respondent to refund of petitioner tuition fees.

For Petitioner : Mr.P.Paramasiva Doss

For Respondent : Mr.S.Sivasubramani

ORDER

The petitioner has filed this Writ petition seeking quashment of the order of the respondent bearing Ko.No.273/2018 dated 04/06/2018 and for a consequential direction to the respondent to refund the petitioner's tuition



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2. The case of the petitioner is that she completed 12th Standard Public Examination in the academic year 2016-2017 and secured 1118 marks. Thereafter, the petitioner applied for Bachelorette Agricultural courses and participated in the Counselling conducted by the Tamil Nadu Agricultural University (in short 'TNAU'), in which, the petitioner was allotted B.Sc. Agricultural Science in the respondent University in the 1st counselling conducted by the TNAU and she joined the course on 01.08.2017. However, it is pertinent to note that, the petitioner subsequently discontinued the course on 12.09.2017, as she was allotted Bachelor of Agricultural Science in the Thanjavur Agricultural College in the 2nd counselling, which is directly affiliated to the TNAU. In the mean while, the petitioner paid a sum of Rs.1,20,000/- as Tuition fee for the academic year 2017-18, while joining the course in the respondent University. Hence, she made a representation dated 12.09.2017, seeking refund of the tuition fee and subsequently, the petitioner's father also made a representation dated 10.05.2018, however, there was no response. While such being the case, in reply to the representation sent to the Chief Minister Cell, the 1st respondent passed the present impugned order on 04.06.2018, rejecting the petitioner's



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representation seeking refund of the tuition fees paid by her. Challenging the same, this Writ petition.

3. Learned counsel for the petitioner submitted that, the petitioner was allotted B.Sc. Agricultural Science in the respondent University in the 1st counselling, however, she subsequently discontinued the course as she was allotted Bachelor of Agricultural Science in the Thanjavur Agricultural College in the 2nd counselling. He further submitted that, the petitioner did not even report for more than one month in the respondent college and also the said seat was allotted to an aspirant candidate in the subsequent counselling, hence, no loss was caused to the respondent university. While so, rejecting the petitioner's representation seeking refund of tuition fee of Rs.1,20,000/- paid by her for the academic year 2017-18 is not sustainable. Hence, he prayed for appropriate orders.

4. On the above said contentions, heard learned counsel appearing for the respondent and perused the materials placed on record.

5. On a perusal of the materials place on record, particularly the order impugned in this Writ petition, it is evident that, the petitioner got admitted



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to the course of B.Sc. Agricultural Science in the respondent University in the 1st counselling conducted by the TNAU and she joined the course on 01.08.2017, however, as the petitioner was allotted Bachelor of Agricultural Science in the Thanjavur Agricultural College in the 2nd counselling, she subsequently discontinued the course on 12.09.2017. However, it is pertinent to that, the petitioner was allotted B.Sc. Agricultural Science in the respondent University on Community basis, while so, the said seat cannot be allotted to third person and it is the major contention of the respondent that, the counselling was already over and the said seat was not allotted in favour of other allottee.

6. While such being the case, unless the petitioner submits necessary proof to content that her seat was subsequently allotted to other person in the subsequent counselling, the claim made by the petitioner cannot be acceded to and this Court is not inclined to interfere with the order impugned in this Writ petition.

7. For the reasons aforesaid, this Writ petition stands dismissed.

No costs.

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Speaking Order : Yes/ No
Index : Yes/ No

To

Annamalai University,
Rep. by its Registrar,
Annamalai Nagar, Chidambaram.



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Dispense with ordered for the
present.

07.03.2023

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