



W.P(MD) No.8408 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.09.2023

CORAM:

THE HONOURABLE MRS.JUSTICE S. SRIMATHY

W.P(MD) No. 8408 of 2021

K.R. Gogulakrishnan

:Petitioner

..Vs..

1. The Director
Bharathidasan Institute of Management,
BHEL Complex, MHD Campus,
BHEL Trichy Main Office Road,
Tiruchirappalli.
2. The Member Secretary,
All India Council for Technical Education,
Nelson Mandala Marg,
Vasanthkunj,
New Delhi 110067

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of to issue a WRIT OF MANDAMUS or any other writ, order or direction directing the 1st Respondent to refund the entire 1st year fees paid by the petitioner for MBA Course as per the guidelines of the 2nd respondent.

For Petitioner

: Mr. R. Murali

For R1

: No Appearance

For R2

: Mr. N. Dilip Kumar

Senior Standing Counsel



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ORDER

This writ petition is filed for writ of Mandamus, directing the 1st Respondent to refund the entire 1st year fees paid by the petitioner for MBA Course as per the guidelines of the 2nd respondent.

2. The petitioner has paid Rs.7,57,901/- as fees. Due to Covid-19 pandemic, the schools and colleges were closed. Wherever the schools and colleges were closed, the students were given an option either for cancelling the admission or to continue with the course. If the student had opted for cancellation within a stipulated time, they would be entitled to refund, for which the petitioner is relying on the communication of the 2nd respondent, dated 13.08.2020, wherein it is stated as under:

*“Last date for cancellation of
seats of technical courses except*

PGDM / PGCM with full refund

- 10th November, 2020”

This is further confirmed by the subsequent communication, dated 31.08.2020 / 01.09.2020 and the same is extracted hereunder:



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“According to the revised Academic calendar issued on 13.08.2020, the last date for cancellation of seats of technical courses with full refund is 10th November, 2020.”

From this communication, it is evident that the student is entitled to refund if opted for cancelling the admission.

3. The petitioner has sent a communication through email opting to cancel the admission on 27.08.2020 which is acknowledged by the 1st respondent on 17.11.2020. Therefore, there is no dispute between the petitioner and the 1st respondent that the petitioner has opted for cancellation within the stipulated time as stated supra.

4. Therefore, the petitioner is entitled to refund. However, the 1st respondent has refunded only Rs.1,35,620/-. The petitioner is entitled to the balance amount from Rs.7,57,901/-, but, the petitioner is not entitled to Rs.1,000/- (processing fee). The 1st respondent is directed to refund the balance amount within a period of eight 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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To

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S. SRIMATHY, J.,

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