



W.P(MD)No.4053 of 2016

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.06.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.4053 of 2016

R.Vijayalakshmi

...Petitioner

Vs

- 1.The State of Tamil Nadu
Represented by
The Secretary to Government,
Department of Higher Education,
Secretariat, Chennai.
- 2.The District Collector,
Thanjavur District,
Collectorate, Thanjavur.
- 3.The Member Secretary,
National Board of Accreditation,
NBCC Place, East Tower,
4th Floor,
Bhisam Pitamah Marg,
Pragati Vihar,
New Delhi.
- 4.The Registrar,
Sastra University,
Thirumalaisamudram,
Thanjavur.

...Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the fourth respondent to refund the fees of Rs.3,84,272/- (Rupees Three Lakhs Eighty Four Thousands Two Seventy Two) collected from the petitioner on compulsion and also for direction to the respondents 1 to 3 to take appropriate action against the fourth respondent.

For Petitioner	:Mr.R.Narayanan
For R1 & R2	:Mr.C.Baskaran Government Advocate
For R3	:No appearance
For R4	:Mr.K.K.Senthil

ORDER

The mother of one S.Chitra has filed this writ petition that her daughter got an admission for B.Tech(Civil Engineering Course) in the fourth respondent University on 25.06.2015. She paid the course fee for a sum of Rs.3,84,272/- and continued his studies in the fourth respondent University till 22.08.2015. Thereafter, she got an opportunity in the IICPT, Thanjavur and therefore, she discontinued her studies in the fourth respondent University and joined in IICPT, Thanjavur. At the time of leaving the fourth respondent University, the fourth respondent University has failed to



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return the course fee, which was paid by this petitioner. Hence, the petitioner has approached this Court for a Mandamus, directing the fourth respondent to refund the fee paid by the petitioner.

2.The learned counsel appearing for the fourth respondent submits that this petitioner's daughter is a student in their University for a period of 25 working days and 88.89% of the first year semester course was completed. Therefore, after deducting the amount, the balance amount of Rs.2,73,000/- was returned to the petitioner on 28.07.2016. The learned counsel has also relied on the notification issued by the UGC in this regard and the relevant portion is extracted as under:-

“....In the event of a student/candidate withdrawing before the starting of the course, the waitlisted candidates should be given admission against the vacant seat. The entire fee collected from the student, after a deduction of the processing fee of not more than Rs.1000/- (One thousand only) shall be refunded and returned by the Institution/University to the student/candidate withdrawing from the programme.



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Should a student leave after joining the course and if the seat consequently falling vacant has been filled by another candidate by the last date of admission, the Institution must return the fee collected with proportionate deductions of monthly fee and proportionate hostel rent, where applicable”.

3.In reply, the learned counsel appearing for the petitioner submits that a sum of Rs.2,73,000/- was returned by the fourth respondent University only after filing of this writ petition and it was not done when the petitioner left the college.

4.Considering the fact that the fee paid by the petitioner was refunded by the fourth respondent University as per the norms of the University Grants Commission, this writ petition is closed as no further order is required. No costs.

05.06.2023

NCC : Yes / No.

Index : Yes / No.

Internet : Yes / No.

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B.PUGALENDHI, J.

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