



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.02.2024

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.9871 of 2021

Ms.T.Keerthi Varshini

... Petitioner

Vs.

1. The Dean, Saveetha School of Law,
162, P.H.Road, Velanppanchavadi,
Chennai – 600 077.

2. The Principal, Saveeetha School of Law,
162, P.H.Road, Velanppanchavadi,
Chennai – 600 077.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to repay the fees amount of Rs. 2,40,000/- (Rs. 50,000/- on 30.11.2020 and Rs. 1,90,000/- on 2.12.2020) towards fees to the respondent college, for BBA LLB (Hons) course for the academic years 2020-21 to the petitioner.

For Petitioner : Mr.P.Kumaresan, Senior Counsel
for Mr.S.C.Pratheep Ashok Kumar



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For R2

: Mr.P.Navaneetha Krishnan

ORDER

The Writ of Mandamus has been instituted to direct the respondents to repay the fees amount of Rs. 2,40,000/- (Rs. 50,000/- on 30.11.2020 and Rs. 1,90,000/- on 2.12.2020) towards fees to the respondent college, for BBA LLB (Hons.,) course for the academic years 2020-21 to the petitioner.

2. The petitioner states that her Daughter, Ms.T.Keerthi Varshini got admission in the respondent's college for BBA LLB (Hons.,) Course for the academic year 2020-21 and paid a sum of Rs.2,40,000/- (Rs.50,000/- on 30.11.2020 and Rs.1,90,000/- on 02.12.2020) through bank transfer towards fee for the I year course.

3. The Daughter of the petitioner, Ms.T.Keerthi Varshini got selected for admission in the School of Excellence in Law, Dr.Ambedkar University and accordingly, joined in the School of Excellence in Law.



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4. The learned Senior Counsel, Mr.P.Kumaresan appearing on behalf of the learned counsel for the petitioner would submit that the petitioner secured admission in the School of Excellence in law and joined on 30.02.2021. The petitioner was relieved from the respondent Law College on 27.01.2021. Thus, the petitioner had attended classes in the respondent Law College from 11.12.2020 to 27.01.2021.

5. The learned Senior Counsel, Mr.Kumaresan would contend that the respondent Law College had obtained signature from the petitioner in blank stamp papers with an ulterior motive to appropriate the entire fees amount paid by the petitioner. The request made by the petitioner to refund the fees was declined and thus, the present Writ Petition came to be executed.

6. The learned counsel for the respondent, Mr.S.Navaneetha Krishnan would submit that the procedures are clearly stated in the prospectus issued by the 2nd respondent / Law College. As per the refund policy stated in the prospectus, once the student left the College after



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attending classes for more than 15 days, the concerned student is not eligible to seek any refund on fees. In the present case, the petitioner's Daughter joined in the respondent / Law College on 03.12.2020 and the classes started on 11.12.2022 and she attended classes till 27.01.2021. Thus, the petitioner is not eligible to seek any refund of fees already paid for the I Year Law College. The respondent would submit that accepting the conditions stipulated in the prospectus, the petitioner has given the undertaking and thus, the Writ Petition is to be rejected.

7. Considering the arguments, this Court is of the considered opinion that beyond the conditions stipulated in the prospectus, this Court has to apply the principles of reasonableness and the principle of equity for the purpose of considering this nature of cases. Whether waiver of the entire fee amount by the Law College by obtaining an undertaking would be considered as a ground for the purpose of rejecting the relief as such sought for in the present Writ Petition. Admittedly, the petitioner has paid the entire fees amount for the I Year Law Course. Further the Daughter of the petitioner attended classes for about 1½ months. However, she has secured seat in the School of Excellence in Law, Dr.Ambedkar University



and joined in the said College on 03.02.2021.

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8. The learned Senior Counsel for the petitioner would submit that the College has forcibly obtained signature in the blank stamp papers for the purpose of returning of the original certificate. In the absence of original certificate, the Daughter of the petitioner cannot be admitted in the Government Law College. Thus, the undertaking was obtained by coercion and therefore, the fees collected is to be refunded.

9. The said submission made on behalf of the petitioner is to be considered, since obtaining an undertaking in a stamp paper became unnecessary. When the prospectus stipulates conditions regarding refund policy of the College, this Court is of the opinion that further undertaking obtained from the petitioner would be sufficient to form an opinion that the undertaking was given under forced circumstances. The petitioner was under pressure to secure the original certificates of his Daughter and therefore, executed the undertaking. Thus, the said undertaking cannot be relied upon for the purpose of considering the relief.



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10. No doubt, as per the conditions stipulated in the prospectus, student, who attended classes for more than 15 days is not eligible for the refund of fees. However, such conditions imposed in the prospectus is unreasonable as far as the law course is concerned. Such conditions will be required for medical courses or engineering course, where expenditures are made by the Management for providing practical classes. As far as the Law course is concerned, no such facilities needs to be provided to the students and therefore, waiver of the entire fees is unreasonable and such clauses imposed would result in unjust gains to the Management of the Law College. The respondents ought to have considered the case of the petitioner for refund of atleast 50% of the fees, since she had attended classes for about 1½ months. Since the entire claim is declined, the petitioner approached this Court.

11. Considering the facts and circumstances, this Court is of the considered opinion that the conditions imposed in the prospectus for waiver of entire fees is unreasonable and by applying the principles of equity, this Court is inclined to direct the respondents to refund 50% of the total fees paid by the petitioner within a period of four weeks from the



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date of receipt of a copy of this order. The said refund is to be made without any interest. The petitioner shall furnish the proof for remittance of fees by way of bank transfer to the respondents at the time of claiming refund.

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12. Accordingly, the Writ Petition stands allowed. No costs.

08.02.2024

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Index : Yes

Speaking order

Neutral Citation : Yes

To

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S.M.SUBRAMANIAM, J.

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