



WP(MD)No.20680 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 10.01.2024

CORAM:

THE HONOURABLE MR.JUSTICE **B.PUGALENDHI**

WP (MD) No.20680 of 2017

M.Chandrakumar

... Petitioner

Vs

1.The Registrar,
Anna University,
Sardar Patel Road,
Guindy, Chennai - 25.

2.The Commissioner,
Director of Technical Education (DOTE),
Chennai - 23.

3.The Principal,
National Engineering College,
K.K.Nagar,
Kovilpatti.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of certiorarified mandamus to call for the entire records pertaining to the impugned proceedings No.Nil issued by the 3rd respondent dated 25.09.2017 and quash the same as illegal and consequently direct the 3rd respondent to refund the fee for a sum of Rs.67,450/- paid by the petitioner for her daughter Dharshini, who joined in I year B.E.(EEE) on 07.08.2017.



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For Petitioner : Mr.D.Saravanan

For Respondent : Mr.EVN.Siva

No.1

For Respondent : Mr.G.V.Vairam Santhosh

No.2 Addl.Govt.Pleader

For Respondent : Mr.T.Balaji

No.3

ORDER

The petitioner's daughter Dharshini had joined B.E (EEE) in the 3rd respondent college on 07.08.2017 and also paid the fee of Rs.67,450/- and she attended the college few days. While so she discontinued the B.E, course since she joined BDS course in some other college. Therefore she has requested the 3rd respondent for refund of the fee paid by her. However it was rejected. Therefore, challenging the same, this writ petition is filed.

2.The learned Counsel for the petitioner submits that the petitioner has paid a sum of Rs.67,450/- as fee and her request for refund of the fee was rejected by the impugned order.



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3.The learned Counsel appearing for the 3rd respondent by referring the policy framed by AICTE submits that had the petitioner discontinued the course before commencement of the course, she is entitled for refund. But she has attended the classes for few days. The vacancy arose due to the discontinuance of the petitioner was also not filled up. Therefore the petitioner's request was rightly rejected.

4.This Court considered the rival submissions made on either side and perused the materials placed on record.

5.The learned Counsel for the respondent has referred to the refund policy of All India Council for Technical Education, which reads as follows:

"AICTE Refund Policy:

In the event of a student / candidate withdrawing before the starting of the course, the entire fee collected from the student, after a deduction of the



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processing fee of not more than Rs.1000/- (Rupees One Thousand Only) shall be refunded / returned by the institution. It would not be permissible for institution to retain the school/ institution leaving certificate/ in original. If a student leaves after joining the course and if the vacated seat is consequently filled by another student by the last date of admission, the institution must refund the fee collected after a deduction of the processing fee of not more than Rs.1000/- (Rupees One Thousand Only) and proportionate deductions of monthly fee and proportionate hostel rent where applicable. In case the vacated seat is not filled, the institution should refund the security deposit and return the original documents. Institution should not demand fee for the subsequent years from the students cancelling their admission at any point of time. Fee refund along with the return of certificate should be completed within 7 days."

6.The petitioner's daughter had joined in the 3rd respondent college and attended the course for

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few days and discontinued the course. The vacated seat according the respondent College was not filled subsequently. Therefore, in view of the refund policy of the AICTE the petitioner is not entitled for refund of the fee paid.

7.In the result the writ petition is dismissed.
No costs.

10.01.2024

Internet : Yes / No

DSK

To

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B. PUGALENDHI , J .

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