



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

LPA No.904 of 2017 (O&M)
Date of Decision: 18.09.2024

Swami Devi Dyal Hospital and Dental College

.....Appellant.

Versus

Aditi and others

.....Respondents.

CORAM: *HON'BLE MR. JUSTICE G.S. SANDHAWALIA*
 HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present:- None for the appellant.

Mr. Gunjeet Brar, Advocate for
Mr. Vikas Singh, Advocate
for respondent No.1.

G.S. SANDHAWALIA, J.(Oral)

Case has been called twice but none has put in appearance on
behalf of the appellant.

2. Vide the impugned judgment dated 10.05.2017 passed in
CWP No.24949 of 2016, learned Single Judge had allowed the writ petition
filed by respondent No.1-Aditi and directed the appellant-College to return
the fee of the said respondent, within a period of 15 days from the receipt
of certified copy of the order on account of the fact that respondent No.1
had vacated the BDS seat, in the management quota.

3. On 29.04.2022, a direction had been issued by the Co-ordinate



Bench to file an affidavit mentioning therein the total number of seats surrendered and filled in pursuance to the re-counselling as also the ultimate final number of seats which were filled-up and remaining pending along-with the specific dates in this regard. However, despite availing various opportunities on 11.07.2022, 07.12.2022 and 04.09.2023, the necessary affidavit has not been filed on behalf of the appellant. Even the cost of Rs.5,000/-, as imposed vide order dated 04.09.2023, has not been deposited.

4. In these circumstances, we are of the considered opinion that there is no material available with the appellant showing that the seat vacated by respondent No.1 has not been filled up by way of admission of another candidate. Therefore, the direction issued by learned Single Judge for refund of the amount is well justified.

5. The present appeal is, accordingly, dismissed.

(G.S. SANDHAWALIA)
JUDGE

September 18, 2024
Yag Dutt

(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned: *Yes*
Whether Reportable: *No*