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**IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH**

**114****LPA-1563-2025 (O&M)****Date of Decision : July 30, 2025****DIKSHA CHAUHAN AND ANOTHER****-APPELLANTS****V/S****PT. B.D. SHARMA UNIVERSITY OF HEALTH SCIENCE AND  
OTHERS****-RESPONDENTS**

**CORAM: HON'BLE MR. JUSTICE ASHWANI KUMAR MISHRA  
HON'BLE MR. JUSTICE KULDEEP TIWARI**

Present: Mr. Deepak Chauhan, Advocate  
for the appellants.

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**KULDEEP TIWARI, J.****CM-3833-LPA-2025**

1. Considering the valid and good reasons, as assigned in the application, for condoning the delay of 2623 days, therefore, the application is **allowed**.

2. Delay of 2623 days in filing the appeal is condoned.

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3. Considering the valid and good reasons, as assigned in the application, for condoning the delay of 110 days, therefore, the application is **allowed**.

4. Delay of 110 days in refiling the appeal is condoned.

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5. This Letters Patent Appeal impugns the order dated 13.09.2017 delivered by the learned Single Judge in CWP-22501-2016, as well as the

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order dated 21.10.2024 passed in review application No. RA-CW-535-2017.

6. Succinctly stated, the appellants secured admission to the B.D.S. course at respondent No.3-College for the academic session 2016-2017 and paid the requisite fees. Subsequently, having gained admission to another college, they withdrew their admission from respondent No.3 and requested a refund of their tuition fees, which was declined. This propelled them to institute CWP-22501-2016 before this Court, wherein became sketched a prayer for refund of the fees. However, they remained unsuccessful, as the learned Single Judge, vide order dated 13.09.2017, dismissed the writ petition on the ground that 7 general category seats and 8 reserved category seats remained vacant during the 2016-2017 academic session. Accordingly, Instruction No.17 was held inapplicable, and the appellants were found not entitled to refund.

7. Post dismissal of their writ petition, the appellants filed a review application before this Court on the basis of a notification issued by the University Grants Commission in December, 2016, regarding remittance and refund of fees and other student-centric issues. However, this review application also met the same fate, as it was dismissed by the learned Single Judge vide order dated 21.10.2024, with the observations that the notification (supra) was not brought to the notice of the Court when the judgment of dismissal was penned down.

8. What surges forth from the record is that, the appellant No.2 and appellant No.1 were provisionally allotted seats in the B.D.S. Course at respondent No.3-College during the counselings held respectively on 14.09.2016 and on 24.09.2016. Following this provisional allotment, the

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respondent No.3-College sent confirmation of appellants' admission to the respondent No.1-University on 19.09.2016 and on 27.09.2016. However, the appellants subsequently wrote a letter dated 07.10.2016, requesting withdrawal of their admission and refund of fees. This request was made after the prescribed last date of admission, which was 30.09.2016.

9. The State Government notification dated 31.08.2016 makes clear echoings that the fees is refundable/adjustable if the shifting/ migration occurs within the stipulated last date of admission. In the case at hand, the appellants' request for withdrawal of their admission was received after the prescribed last date of admission, which renders them disentitled to seek a refund under this notification. Furthermore, the UGC notification relied upon by the appellants to support their claim was issued in December 2016, subsequent to the appellants' withdrawal request, and therefore is not applicable in this matter.

10. The learned counsel for the appellants submits that, in fact, the Hon'ble Supreme Court, vide order dated 27.09.2016, had granted extension of time for seven days commencing from 01.10.2016 to fill up the seats in BDS Course in the dental colleges all over the country. Therefore, even if the respondents' claim is considered that the appellants made request for withdrawal of admission on 07.10.2016, yet their request was well within the last date of admission. In order to strengthen this argument and to claim refund, he placed reliance upon Instruction No.17, as embodied in the Prospectus issued by the respondent No.1- University for the session 2016. Instruction No.17 is reproduced hereunder:-

*“17. In case a candidate after having deposited required fee for*



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*admission to MBBS/BDS course 2016-17 decides to leave the MBBS/BDS course before the last round of counseling, the fee deposited by the candidate will be refundable to him/her by the concerned college if the seat so vacated filled by some other candidate.”*

11. While Instruction No.17 entitles a candidate to claim a refund if he withdraws from the course before the final round of counseling, such entitlement is conditional upon the vacated seat being filled by another candidate.

12. In the case at hand, there is no dispute that the seats vacated by the appellants were not filled by other candidates. The affidavit dated 16.05.2017 filed on behalf of the respondent No.3 before the learned Single Judge clearly disclosed that, 7 general category seats and 8 reserved category seats in the B.D.S. Course remained vacant for the academic session 2016-2017. Therefore, if the appellants made request for withdrawal of their admission even prior to the last date of admission, yet they are not entitled to claim refund for the above reason.

13. In sequel, this Court is in respectful agreement with the learned Single Judge. This Letters Patent Appeal is **dismissed** being devoid of merits.

(ASHWANI KUMAR MISHRA)  
JUDGE

(KULDEEP TIWARI)  
JUDGE

July 30, 2025  
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|---------------------------|---|--------|
| Whether speaking/reasoned | : | Yes/No |
| Whether Reportable        | : | Yes/No |