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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 11922/2023**

ISHIKA KUMARPetitioner

Through: Mr. Akash Kumar, Ms. Huzaifa
Yousuf, Ms. Nikita Lohia, Advs.

versus

**INDIRA GANDHI DELHI TECHNICAL UNIVERSITY FOR
WOMEN THROUGH ITS VICE CHANCELLOR & ORS.**

.....Respondent

Through: Mrs. Avnish Ahlawat, SC GNCTD
Services with Mr. Nitesh Kumar
Singh, Ms. Aliza Alam, Mr. Mohnish
Sehrawat, Advs.

CORAM:

HON'BLE MR. JUSTICE JASMEET SIN`GH

ORDER

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06.05.2026

1. This is a writ petition filed under Article 226 of the Constitution of India seeking the following prayers :-

“a. To direct in the respondent university to, setting aside and quashing of office order dated 02-02-2023, bearing ref. No. Igdtuw/acad/2023/590 issued by the respondent university.

b. Issue a writ of mandamus or any other appropriate writ, order, or direction, directing the respondent to refund the amount of Rs. 1,37,0001- (Rupees One Lakh Thirty Seven Thousand Only), which was wrongfully forfeited from the petitioner...”

2. The facts of the case are that the petitioner applied for and was granted admission in B. Arch. branch of respondents/University for the year



2011-12. The petitioner duly completed her first year with the University and thereafter on 29.07.2022, a notice of fee was issued by the University and the petitioner deposited the entire fee of Rs. 1,37,000/- for the 3rd and 4th semester on 31.08.2022.

3. In the meanwhile, the petitioner got an admission in a higher-ranking institution and *vide* email dated 29.09.2022, requested for cancellation of admission and refund of fee. The said application was rejected by the University on 02.02.2023 and hence, the present petition has been filed.
4. Mr. Sehrawat, learned counsel for the respondents has drawn my attention to the Minutes of Meeting dated 18.04.2023, which read as under:



Indira Gandhi Delhi Technical University For Women
(Established by Govt. of Delhi vide Act 09 of 2012)
Kashmere Gate, Delhi-110006

ACADEMIC BRANCH

ANNEXURE-2
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Azadi Ka
Amrit Mahotsav

18th April, 2023

Minutes of Meeting

A meeting was convened on 18/04/2023 at 3:00 pm in the office of Dean (Academic Affairs), IGDTUW in the presence of following members to discuss the fee refund case of Ms. Ishika Kumar (Enrolment No. 01106142021) student of B.Arch 2021 Batch.

- | | |
|-------------------------------------|--|
| 1. Dean (Academic Affairs) - Member | 2. Dean (Examination Affairs) - Member |
| 3. HoD (A&P) - Member | 4. Dy. Finance Officer - Member |

Brief Discription:

- Ms. Ishika Kumar was a student of B.Arch Program admitted in 2021 batch.
- The Annual Fee payment process for the students of 2nd year onwards was started from 29th July 2022. The Annual Fee Notice in this regard was issued on 29-07-2022 and uploaded on the university website on 01-08-2022 wherein the last date to deposit the Annual fee was given as 31-08-2022.
- Ishika Kumar deposited the 2nd year Fee for the A.Y. 2022-23 amounting to Rs. 1,37,000/- on 31-08-2022 which was duly verified by the accounts branch and her fee receipt was generated on the portal.
- After about two months from the date of start of A.Y. 2022-23 (3rd semester) from i.e. 01-08-2022, she sent a mail on 29-09-2022 to the academic branch stating that she has got admission in some other institution and requested to cancel her admission in IGDTUW and refund of Fee.
- As the 3rd semester was started from first week of August 2022 and she had also done semester registration for 3rd semester, her case was processed for approval of her withdrawal request with security refund only. After getting approval from the competent authority, she was informed through mail on 11th Nov. 2022 that her withdrawal request has been accepted and advised her to apply for the security refund on the portal.
- As per the attendance record provided by the Architecture department, she has attended the classes in 2nd year up to September 2022.
- Her request for the security refund was also received on the portal on 23-11-2022 and in process for approval.
- Now her father has sent a various mails and pressing hard for the refund of full fee amount to Rs. 137000/-.

Recommendation of Committee Members:

The above matter was discussed by the committee members in details. IGDTUW being a State Government University follows the Guidelines and orders issued by the Government. There are Guidelines/ Orders by UGC for the refund of fee to First Year Students only who take withdrawal up to December of the same year in which the admission is taken. But there are no Guideline/ Order issued by the Government Authorities regarding fee refund in case of withdrawal taken by the students in Second/Third/ Fourth year of admission.

In view of the above, it has been recommended that the second year fee for the A.Y. 2022-23 deposited by Ms. Ishika Kumar cannot be refunded.

HoD (Architecture)

Dean (Academic Affairs)

Dy. Finance Officer

Dean (Examination Affairs)
18/04/2023

- He states that in terms of the admission brochure, the petitioner could have only withdrawn her allotted seat and sought refund of fee in case the petitioner would have requested for refund within one month of joining the institution.



6. He further draws my attention to Clause 6.3 of the said brochure, which reads as under:

“6.3 Withdrawal of Allotted Seat and Refund of Fees

An admitted candidate can withdraw his/her admission during the counselling period (as specified in the counselling schedule) by submitting online request through JAC Delhi portal on or before last date of withdrawal mentioned in counselling schedule.

a) If the candidate withdraws his/her admission on or before the last date of withdrawal as mentioned in the counselling schedule, his admission fee (Rs. 95,000/-) will be refunded after deducting Rs.1000/- (Rupees One thousand only) as processing charge.

b) Fee refunds for all withdrawals will be processed within 20 days after last date of withdrawal.

c) The academic fee deposited by the admitted candidates will be forfeited, if he/she withdraws after the last date of withdrawal as mentioned in the Counselling Schedule. No amount shall be refunded if the admitted candidate withdraws after the last date and time of withdrawal as mentioned in the counseling schedule.”

7. I have heard learned counsel for the parties.
8. In the present case, it is not in dispute, i.e., the petitioner joined the respondent institution in the year 2021-22, completed her first year of education and thereafter, shifted to a better ranked institution. The petitioner paid her annual fee for the 3rd and 4th semester and joined the



university but did not complete her 3rd and 4th semester.

9. A perusal of the Clause 6.3 shows that the same is only applicable to 1st year of the curriculum and not to the 2nd year.
10. The same is evident from the Minutes of Meeting dated 18.04.2023, wherein the Committee itself stated that **“there are Guidelines/ Orders by UGC for the refund of fee to First Year Students only who take withdrawal up to December of the same year in which the admission is taken. But there are no Guideline/ Order issued by the Government Authorities regarding fee refund in case of withdrawal taken by the students in Second/Third/ Fourth year of admission.”**
11. In view of the same, the petitioner/student cannot be compelled to pay the fee for the academic year during which she neither attended classes nor pursued her studies with the respondent institution. Once the petitioner had withdrawn from the course, the respondents could not retain the fee for the remaining period despite no educational services being availed by the petitioner.
12. Further, in the event of any ambiguity or absence of specific guidelines with respect to refund of fee for withdrawal in the second year, the interpretation has to lean in favour of the student. The Minutes of Meeting dated 18.04.2023 itself records that there are no guidelines/orders regarding fee refund in cases of withdrawal in the second/third/fourth year. In the absence of any express provision authorising forfeiture of the fee, the respondents cannot deny refund to the petitioner. Accordingly, the petition is allowed and the respondents are directed to refund the fee deposited by the petitioner.
13. Mr. Kumar, learned counsel for the petitioner states that the petitioner



voluntarily would like to pay a sum of Rs. 25,000/- to respondent No. 1 for the betterment and welfare of the students.

14. In view of his statement, the balance amount of Rs. 1,12,000/- shall be paid to the petitioner by way of a Demand Draft within 6 weeks from today, failing which it shall carry an interest of 9% p.a.
15. With these directions, the petition is disposed of.

JASMEET SINGH, J

MAY 6, 2026/sp