

(2006) 08 P&H CK 0240

High Court Of Punjab And Haryana At Chandigarh

Case No: C.W.P. No. 14451 of 2005

Amit Bansal

APPELLANT

Vs

The Vice
Chancellor-cum-Chairman,
Punjab Technical University and
Others

RESPONDENT

Date of Decision: Aug. 8, 2006

Hon'ble Judges: Viney Mittal, J; H.S. Bhalla, J

Bench: Division Bench

Advocate: Anupam Gupta and Ashish Rawal, G.C. Dhuriwala, for the Appellant;

Judgement

Viney Mittal, J.

The petitioner has approached this Court for quashing the communication dated September 18, 2004 Annexure P-5 issued by the Principal, Giani Zail Singh College of Engineering & Technology, Dabwali Road, Bathinda-respondent No. 4 vide which the petitioner has been communicated that the fee deposited by him stood forfeited.

2. The facts which emerge from the record show that the petitioner had sought admission in Mechanical Engineering in Giani Zail Singh College of Engineering & Technology, Dabwali Road, Bathinda for the academic session 2003-04. He was required to deposit a fee of Rs. 47,284/- . The petitioner deposited a sum of Rs. 10,000/- on June 8, 2005. The remaining amount was deposited by him on June 23, 2003. The petitioner was issued a communication dated July 16, 2003 by the Principal of the aforesaid College-respondent No. 4 informing him that either he should submit his original certificates or inform regarding surrender of the seat upto August 1, 2003, failing which his seat would be declared vacant for second counselling. The claim of the petitioner is that he informed the principal about surrendering his seat on August 5, 2003. Consequently he made a request for refund of the amount deposited by him.

3. It is also the case of the petitioner that the seat surrendered by him was duly filled up by granting admission to another applicant in the second counselling. In these circumstances, the petitioner has approached this Court for issuing directions to respondent No. 4 to refund the fee deposited by him since he had surrendered the seat and the said seat had been utilised by the College by granting admission to another candidate in the second conselling.

4. The claim of the petitioner has been contested by respondent No. 4. It has been maintained that the petitioner was required to surrender the seat before July 18, 2003 which was the last date of second counselling and since he had surrendered his seat only on August 5, 2003, therefore, he was not entitled to the refund of the amount deposited by him.

5. During the course of the arguments, learned Counsel for the petitioner has produced before us a photocopy of the communication dated July 16, 2003 issued by the Principal-respondent No. 4 to the petitioner. The said communication is taken on record as Annexure A. A perusal of the aforesaid communication reveals that the petitioner was required to submit his original certificates or inform the authorities for surrendering the seat upto August 1, 2003. It was only by way of default of the petitioner that the said seat could be declared vacant for the second counselling. It is thus clear that till August 1, 2003, the second counselling had not taken place. The case of the petitioner is that the seat surrendered by him had been duly filled up by the College in the second counselling.

6. In this view of the matter, we allow the present petition and direct that the amounts deposited by the petitioner shall be refunded by respondent No. 4 to the petitioner. The necessary refund shall be made within 2 months of the date of the receipt of the certified copy of this order. It is also made clear that if any amount deposited by the petitioner has already been refunded, the same shall be taken note of while making the additional refund.

7. Copy of the order be given dasti on payment of the usual charges.