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## Mithilesh Kumar and Others Vs The State of Punjab and Others

C.W.P. No. 6496 of 2001

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**Court:** High Court Of Punjab And Haryana At Chandigarh

**Date of Decision:** May 29, 2001

**Acts Referred:**

Constitution of India, 1950 " Article 226#Evidence Act, 1872 " Section 115

**Citation:** AIR 2001 P&H 300 : (2002) 1 ILR (P&H) 103

**Hon'ble Judges:** R.C. Kathuria, J; N.K. Sodhi, J

**Bench:** Division Bench

**Advocate:** J.S. Wasu and A.B. Singh Wasu, for the Appellant;

**Final Decision:** Dismissed

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### Judgement

R.C. Kathuria, J.

Challenge in this petition is to the Notification dated September 9, 1999, Annexure "P-4" with the writ petition, whereby

fee structure for the students admitted to the Degree Program (1999 Batch) in the Sant Longowal Institute of Engineering and Technology,

(hereinafter referred to as "the SLIET), has been revised.

2. The SLIET has been providing technical education in Engineering and Technology. For the courses run by it, Certificates, Diplomas and

Degrees are awarded. The Degree Program was introduced in this Institute in the Academic Year 1993-94. The duration of the Degree Program

is of three years. There are two categories of seats for admissions to the Degree Program, namely Vertical Entry Seats and Direct Entry Seats.

Vertical Entry Seats are only for the SLIET students and Direct Entry Seats are for the SLIET students as well as outside candidates. Some of the

petitioners are direct entrants to the Degree Program while others have taken admission under the category of Vertical Entry Seats.

3. The fee structure for admissions to Certificates, Diplomas and Degree Programs was detailed in the Information Brochure for a SLIET Entrance

Test-1999 (hereinafter referred to as "the Brochure") which was issued on February 25, 1999. As per schedule, the total fee chargeable from the

students seeking admission to the Degree Program in the SLIET was Rs. 7512/-. The petitioners applied for admission to the SLIET in the Degree

Program. They received roll number slips along with notice (Annexure "P-2") sent by the Chairman of the SLIET informing them that the fee/fund

structure, as mentioned in the Brochure, had been revised and the revised fee/fund structure, as adopted by the Government of Punjab and duly

approved by the Board of Governors of the SLIET would be operative from the Session 1999-2000. Thereafter, another public notice (Annexure

"P-3") was published in the Tribune" on August 17, 1999, informing the general public that the fee structure/ other charges in the Degree and

Diploma level Institutions affiliated to the Punjab Technical University had been revised and made applicable only to the students to be admitted to

the 1st year in Session 1999-2000 and onwards. It was also specified that the students admitted in the earlier sessions would be governed by the

old fee structure and would continue to pay fee at the old rates for the remaining period of their Course. Upto this stage, according to the

petitioners, no information was supplied to them with regard to the exact amount of increase of fee chargeable/payable by them. Rather, they were

informed that whenever decision in this regard was taken, the same would be communicated to them.

4. The petitioners appeared in the Entrance Test held on July 7, 1999. At the time of counselling for admission to the Degree Program in the

SLIET, the information conveyed to them was that they would be required to pay the total fee of Rs. 25,235/-including refundable amount of Rs.

3,000/-for admission to the 1st Year Degree Program. Aggrieved by this action of the respondents, the petitioners have filed the present writ

petition under Article 226 of the Constitution of India.

5. We have heard learned counsel for the petitioners and have gone through the record of the writ petition.

6. The pre-dominant grievance of the learned counsel for the petitioners is that after publication of the fee structure in the Brochure, the authorities

of the SLIET could not unilaterally enhance the fee, as has been done in this case. Further, according to him, a breach of promise has been

committed by the respondents in this regard and for that reason the principle of promissory estoppel would be applicable against them.

Additionally, it was urged by him that the action of the respondents in issuing the public notice dated August 17, 1999 (Annexure"P-3") conveying

the revised fee structure for the Degree Program is not only arbitrary but discriminatory as well as there is no rationale in charging a fee of Rs.

7512/- from the IInd and IIIrd year students of the Degree Program and a fee of Rs. 25,235/- from the petitioners, who are students of 1st year.

7. In order to appreciate the submission made, notice has to be taken of the fee structure mentioned in the Brochure issued on February 25, 1999.

The same is as under:--

FEE SCHEDULE FOR ACADEMIC YEAR 1999-2000,/u>

Certificate Diploma Degree Seme.

PAYABLE AT THE TIME OF

ADMISSION

A. Refundable Fees :

1 Caution money

(a) Library XX XX 500

(b) Laboratories XX XX 500

(c) Hostel XX XX 400

2. Hostel Mess Advance XX XX 1000

2400

B, Non-Refundable Fees :

1. Admission Fee XX XX 100

2. Registration Fee XX XX 200

3. Identity Cards XX XX 15

4. Swimming Pool XX XX 70

5. Transport XX XX 110

6. Students Welfare and Poor XX XX 1200

Students Funds

7. Medical Fee XX XX 60

8. Training and Placement XX XX 75

9. Magazine Fee XX XX 60

10. Book Bank XX XX 200

11. P. T. U. Charges for Degree XX XX 525

Students only.

2615

C. Other Fees :

(To be paid on the

commencement of each

Trimester /Semester)

1. Tuition Fee XX XX 1500

2. Sports and Other Extra XX XX 90

Curricular activities

5. Grade Card XX XX 15

4. Examination Fee XX XX 100

(for

internalExams

only)

5. Hostel Seat Rent XX XX 80

6. Hostel Estt. Charges XX XX 150

7. Common Room Charges XX XX 100

8. Electricity Charges XX XX 450

9. Water Charges XX XX 12

2497

Total Admission Fee A + B + C XX XX 7512

8. The Fee structure after revision, detailed in the Notification dated September 09, 1999 (Annexure "P-4) issued by the SLIET, is reproduced

below for facility of reference :--

FEE STRUCTURE (DEGREE)- 1999 BATCH

PAYABLE AT THE TIME OF STUDENTS ACTIVITY RELATED FUND

ADMISSION

NON-REFUNDABLE FEE STUDENTS ACTIVITY RELATED FUND

Instt. Development 3000.00 CLUB ADMISSION FEE 50.00

fee INSTT. MEMBERSHIP FEE 30.00

Admission fee 500.00 STUDENT AID FUND 25.00

Registration fee 200.00 YOUTH WELFARE 25.00

Identity Card 50.00 EDUCATIONAL TOUR 100.00

Swimming Pool fee 160.00 STATIONERY/DRAWING

Transport fee 300.00 BOARD/BLUE PRINT FEE 100.00

Student Welfare LIBRARY BOOK 50.00

Fund 1200.00 REPLACEMENT

Medical Fee 300.00 A/CAID 200.00

Training and SPORTS AND RECREATION 50.00

Placement 75.00 CLUB FEE 300.00

Diary Charges 600.00 STUDENTS AMENITIES 500.00

Magazine Charges SOUVENIR 300.00

Book Bank 200.00

Library fee 300.00

Students activity related funds 1730.00

Alumni Association and house charges 150.00

Syllabus charges for the entire course 120.00

P.T.U. Registration fee 525.00

TOTAL 9410.00

TO BE PAID ON COMMENCEMENT OF EACH SEMESTER

OTHER FEE (PER SEMESTER).

Computer

Development Fund 1000.00

Tuition fee 10000.00

Sport fee 300.00

Grade Card 15.00

Examination fees (Periodical Test fee) 100.00

Hostel Seat Rent and Common Room 600.00

Charges

Electricity and Water Charges 460.00

Hostel Estt. Charges 350.00

Total Admission fee. 12825.00

9. Coming to the issues raised, the promissory estoppel, as a doctrine of good conscience to avoid injustice, can be invoked where the facts of the

case warrant. Essentially, the stand of the petitioners has to be tested on the predominant requirements; (i) that there was a representation of

promise in regard to something to be done in future; (ii) that representation or promise was intended to affect the legal relations of the parties and

to be acted upon accordingly; and (iii) that it is one on which the other side has in fact acted to its prejudice, (see Air Corporation Employees"

Union and Others Vs. G.B. Bhirade and Others, .

10. Undisputably, the petitioners, at the time when they applied for admission to the Degree Program,. had taken into account the fee structure

mentioned in the Brochure. It has also been admitted by the petitioners that when they received their roll numbers for appearing in the Entrance

Test, they had also received a notice (Annexure "P-2") which was sent by the Chairman of the SLIET informing them that the fee/fund structure

which was published in the Brochure, had been revised and the revised fee/ fund structure as adopted by the Government of Punjab and duly

approved by the Board of Governors of the SLIET, would be applicable from the Session 1999-2000. It was mentioned in this notice that

detailed fee/fund structure would be communicated to the candidates at the time of counselling. At the time of counselling, the petitioners were

informed that they would be required to pay the total fee of Rs. 25,235/- for the Session 1999-2000. Thereafter, a public notice was issued in the

"Tribune" on August 17, 1999, copy of which is Annexure "P-3" with the writ petition. It reads as under :--

It is notified for the information of the general public that the fee structure/ other charges in the degree and diploma level institutions affiliated to the

Punjab Technical University/PBSTE has been revised by the Government and is applicable to only students admitted to 1st Year in 1999-2000

Session and onwards.

The students admitted in earlier sessions are governed by the old fee structure and would continue to pay the old rates before revision for their

remaining period of course. In case any Institution demands/charges fee any other charges under the revised fee structure from any old student

admitted in earlier session (s), it tantamount to malpractice on the part of the Institution and may be brought to the notice of the Department of

Technical Education and Industrial Training, Punjab, Punjab Technical University, Jalandhar. PBSTE or Director, Technical Education and

Industrial Training for appropriate action.

11. It was contended by the learned counsel representing the petitioners that in the Notification (Annexure "P-3") no details of the fee structure

were given and it was only on September 9, 1999, vide Notification Annexure "P-4" that the petitioners were furnished with the details of the fee

structure in respect of the Non-refundable Fee and Students Activity Related Fund after the commencement of the Degree Program and for that

reason the respondents were not entitled to recover the enhanced fee from the petitioners for the Session 1999-2000.

12. One cannot ignore that hike in fee structure absolutely has no co-relation with regard to the criterion for the admission to the Degree Program

laid down in the Brochure. In this case the criterion for admission to the Degree program laid-down in the Brochure was not sought to be changed.

It is not a case where the petitioners were taken by surprise. Rather, at the first available opportunity and at the time when they received the roll

numbers for appearing in the Entrance Test, they were informed by the respondents that the fee/lurid structure commencing from the Session

1999-2000 would be revised. Therefore, the details of the fee communicated to the petitioners were in consonance with the stand of the

respondents. The respondents were not debarred from claiming hiked fee from the petitioners and the principle of promissory estoppel will not be

applicable against the respondents under the circumstances of this case.

13. It is well-settled that the fixation of fee for the Course does not fall within the domain of the Court. Primarily, it is the function of the All India

Council for Technical Education, State Government and affiliating Universities. They have to evolve a proper fee structure for the Course keeping

in view the interest of the students, rising costs of essential items and administrative expenses involved in running the Institutions. The effort of the

State should be that citizens should have equal opportunity to receive education in the Institutions run by the State Government and the fee

structure has to be rationalised keeping that object in view. In the present case, the fee hike had been notified by the Director of Technical

Education and Industrial Training, Punjab. Therefore, it cannot be said that the decision to hike the fee structure for admission to the Degree

Program commencing with the Session 1999-2000 is devoid of the ground realities.

14. Apart from that, one cannot ignore that the petitioners, in order to highlight their claim in the petition, have taken into account Refundable Fees,

Non-refundable fees and fees to be paid at the commencement of each Trimester and Semester for arriving at the figure of Rs. 7512/- which was

payable by the students at the time of admission prior to the present revision in the fee structure. In the Notification (Annexure "P-4"), it is clearly

mentioned that at the commencement of each Semester, the student is required to pay total admission fee of Rs. 12825/-. Judging the present fee

structure on the basis of disparity with earlier fee structure would not be justified because as and when fee structure is revised, there is bound to be

discernible disparity. Therefore, the fee hike in the present case, by no stretch of imagination, can be construed as exorbitant, or irrational as

projected from the side of the petitioners. Rather, the action of the respondent appears to be just and in tune to the facilities to be provided to the

students in the Institution, While arriving at this conclusion, one has to keep in mind that the Institution has to bear additional expenses on account

of pay hike, rising costs in all respects and other administrative expenses required to be incurred as per exigencies arising during the period of the

course. In the given circumstances, we find no merit in this writ petition.

15. For the aforesaid reasons, the petition fails and the same is dismissed.