

(2011) 10 MAD CK 0024

Madras High Court (Madurai Bench)

Case No: Writ Petition (MD) No. 12545 of 2010 and M.P. (MD) . No. 1 of 2010

P. Ramkumar Rep by his father
R. Palsamy

APPELLANT

Vs

The Director, Directorate of
Technical Education, Chennai,
The Vice Chancellor, Anna
University, Chennai, The District
Collector, Tirunelveli and The
Principal, P.S.N. Institute of
Technology and Science,
Melathediyoore

RESPONDENT

Date of Decision: Oct. 12, 2011

Hon'ble Judges: K. Chandru, J

Bench: Single Bench

Advocate: S. Siva Ilayaraja, for the Appellant; K. Mahesh Raja for R1 to R3 and Mr. S.P. Maharajan for R4, for the Respondent

Final Decision: Dismissed

Judgement

@JUDGMENTTAG-ORDER

Honourable Mr. Justice K. Chandru

1. The petitioner, who was a minor represented by his father as natural guardian, filed the writ petition seeking for a direction to implement the first respondent letter bearing No. 49255/B\$1/2010, dated 31.08.2010 and ensure the admission of the petitioner in the fourth respondent self financing private engineering college.

2. Notice of motion was ordered on 06.10.2010. Pending notice of motion, no interim order was granted to the petitioner.

3. The petitioner contended that after successfully completed Higher Secondary School, he applied for admission in the engineering college. He also attended the

counselling held on 01.08.2010 and he was given the provisional allotment order in the fourth respondent college by the Council of Tamilnadu Engineering Admission, Chennai and he also paid a sum of Rs. 5,000/-towards the partial tuition fee for the first year B.E. after successfully got selection in the counseling. He has also got a Bank Challan for Rs. 7,500/-ready to be paid in the name of the fourth respondent college on the account maintained by the college.

4. When the petitioner went to the fourth respondent college along with his father, the Principal of the College asked them to get the details of amounts to be paid, wherein the tuition fee was indicated as Rs. 32,500/-and other fees including admission fee, deposit, special tuition fee internet, association fee, books and uniform, hostel admission, hostel rent, deposit and swimming & Gym totalling Rs. 94,150/-was shown. Apart from the single payment of Rs. 94,150/-, they have to pay a sum of Rs. 1,700/-per month. The fourth respondent college informed that if they pay the entire fee, they will make adjustment of Rs. 20,000/-after the Government gave them the cheque as per the scheme.

5. When they want to meet the Principal in order to reduce the fee, they were not able to meet the Principal as he gone out to attend a meeting. After waiting throughout the day in the college, they went back home. Once again they went on the next day in order to comply the admission order by remitting the balance tuition fee of Rs. 7,500/-as per the bank challan, at the Alankulam Branch of Indian Bank on 19.08.2010, the bank refused to accept the remittance of payment as the fourth respondent required them not to receive the payment as per the challan.

6. Thereafter, the petitioner sent a representation to the respondents on 23.08.2010 and further representation to the Commissioner of Technical Education on 28.08.2010. Despite the Oversight Committee fixing the fees in respect of self financing colleges, the fourth respondent college demanded fee in excess of the amount fixed by the State Government. Therefore, they have filed the present writ petition requesting for a direction to admit the petitioner in the fourth respondent college.

7. Pursuant to the allotment order, copies of representation addressed to the Secretary, council for admission, Vice Chairman of the Anna University, District Collector, Tirunelveli and the Secretary to Higher Education, Chennai are found enclosed in the typed set of papers filed along with the affidavit.

8. In the letter sent to the Director, he got response in the form of a communication sent by the first respondent to the fourth respondent stating that they should admit the petitioner, failing which severe action would be taken and they were directed to admit their students as per the fees stipulated by the Government.

9. In the counter affidavit filed by the fourth respondent, these allegations were denied. It was stated that pursuant to the provisional allotment order, neither the petitioner nor his father met the Principal. Even after the communication dated

31.08.2010, they have not approached the College. The classes for the I year students for the year 2010-2011 have started on 23.08.2010 itself and the practical examinations as per the University time table were held on 18.01.2011. Since the 1st and 2nd semester classes of the first year for the academic year 2010-2011 was already over, the case of the petitioner cannot be accepted.

10. It is no doubt true that since the original academic year, for which the admission was granted in favour of the petitioner is already over and more than 1 year had lapsed, this Court is unable to consider the original prayer in the Writ Petition filed by the petitioner. At the same time, the petitioner cannot be prejudiced due to the delay in filing of the Writ Petition and some relief shall be given to him. The allegations that after the allotment, when the petitioner along with his father went to the college and they were willing to pay the amount fixed by the oversight committee, the college demanded extra amount and refused the admission made due to the non-payment of said extra amount, are prima facie acceptable. The denial made by the fourth respondent in the counter affidavit is evasive and not bonafide.

11. Even after the Directorate of Technical Education had sent a letter to the fourth respondent dated 31.08.2010, though it is claimed that the petitioner and his father never came to the college, the fourth respondent never replied to that letter. They even now never stated that they they had intimated such a fact to the Director especially when they had acknowledged such a communication. Therefore, their stand is unbelievable.

12. Only because the academic year had come to an end, this Court is unable to grant any direction for admission to the petitioner. The petitioner's sincere efforts in getting admission was thwarted by the fourth respondent without any justification. Therefore even while dismissing the writ petition, this Court is inclined to order costs to a sum of Rs. 50,000/-(Rupees fifty thousand only) to be paid by the fourth respondent to the writ petitioner due to illegal act committed by the fourth respondent.

13. The petitioner who had participated in single window selection and got provisional allotment order after paying a sum of Rs. 5,000 as initial fee had unjustifiably denied the seat in the fourth respondent college. The fourth respondent college by their total denial of the allegation made by the petitioner, cannot escape the consequences of their illegal act. Hence the writ petitions is dismissed with costs. The fourth respondent shall pay a sum of Rs. 50,000/-(Rupees fifty thousand only) to the petitioner, within a period of 8 weeks from the date of receipt of a copy of this order to the petitioner. Consequently, the connected miscellaneous petitions are closed.