

(2006) 02 DEL CK 0166

In the Delhi High Court

Case No : LPA 416 of 2004

Kalka Inst. for Rese. and advance Studies and Another
Vs

APPELLANT

Hitesh Kumar and Others

RESPONDENT

Date of Decision : 01-02-2006

Acts Referred:

Citation : (2006) 127 DLT 606

Hon'ble Judges : Markandeya Katju, C.J.; Madan B. Lokur, J

Bench : Division Bench

Advocate : Sunil Kumar, Anita Kanungo and Himanshu Shekhar, for the Appellant; G.D. Goel and Sanjiv Goel for R-2 and with Ramesh K. Sharma, for R-3, for the Respondent

Final Decision : Allowed

Judgement

Markandeya Katju, C.J.—This writ appeal has been filed against the impugned judgment of the learned Single Judge dated 06.01.2004 by which the writ petition was allowed.

2. Heard learned counsels for the parties and perused the record.

3. The writ petitioner had applied for admission in the Bachelor of Information Technology course in the Kalka Institute for Research and Advanced Studies.

4. For admission to the said course, a common entrance test has to be faced, but for the 5% seats reserved for NRI sponsored candidates, there is no requirement for facing the common entrance test.

5. The petitioner applied against the reserved quota for NRI sponsored candidates and paid the requisite fees and also started attending classes. Subsequently, it appears that he decided to withdraw from the Kalka Institute as he got admission in some other institute and he made a request for refund of the fees he had deposited. The petitioner was informed by respondent No. 2 that had the petitioner withdrawn before 16.08.2000, he would have been entitled to

refund of his fees, but not afterwards. Aggrieved, he filed the writ petition.

6. A counter-affidavit was filed in the writ petition by the respondent No. 2 and we have perused the same. It is stated that the petitioner took admission in the institute on 01.08.2000, and for the first time made a request for striking off his name from the rolls of the institute on 18.09.2000. The petitioner had attended classes for about one month, i.e. from 01.08.2000 to 01.09.2000. It is stated that in the information bulletin, it was mentioned that if a student applies for withdrawal of admission on or before 16.08.2000, the total fee will be refundable after deducting 20%, but where an application for withdrawal of admission is made after 16.08.2000, no refund of fees except security deposit will be made.

7. In our opinion, since the petitioner has attended classes for about one month and he applied for withdrawal much after 16.08.2000, the fee was not refundable.

9. The learned single Judge has ordered refund of fee, inter alia, on the ground that no financial loss has been caused to the institute. In our opinion, even if no financial loss has been caused, the rules of the institute have to be observed, and these rules clearly provide that the fees is not refundable if the claim is made after 16.08.2000.

10. For the reason given above, the impugned judgment is set aside and the writ petition is dismissed. Appeal allowed.