

(2015) 03 KL CK 0083

In the High Court Of Kerala

Case No : Writ Petition (C) No. 445 of 2009 (C)

P.N. Vijayan

APPELLANT

Vs

State of Kerala and Others

RESPONDENT

Date of Decision : 03-03-2015

Acts Referred:

Citation : (2015) 03 KL CK 0083

Hon'ble Judges : K. Vinod Chandran, J.

Bench : Single Bench

Advocate : V.G. Arun and T.R. Harikumar, for the Appellant; Biju Meenattoor, Sr. Govt. Pleader, Advocates for the Respondent

Final Decision : Dismissed

Judgement

K. Vinod Chandran, J.—The petitioner is aggrieved with Ext.P7 order. The petitioner relies on a judgment of this Court reported in Bhavika Managanandan Vs. Union of India (UOI), to advance her contention and claim that her certificates should be returned even without paying the fees as per the prospectus.

2. The brief facts to be noticed are that, the petitioner's daughter, got herself admitted to the M.C.A. course, with the 3rd respondent college affiliated to the 2nd respondent University on 22.01.2003. The initial admission fees were paid, which is evidenced by Exts.P1 and P2 and it is stated that in June 2003, the petitioner's daughter got married and left India to settle with her husband abroad. It is also to be noticed that, the petitioner got admission in the management quota.

3. At the out set, it is to be noticed that, the petitioner's case has absolutely no similarity with the facts in Bhavika Mangalanandan (supra). Therein a meritorious student, who had got herself admitted to a National Institute of Technology, before the closure of admissions in the said institute, sought for cancellation of her admission, to register herself in an Indian Institute of Technology. The

Division Bench found the factual finding of the learned Single Judge; that, the student therein, sought cancellation of admission prior to the closure of admission in the institution; not liable to be interfered with.

4. Even though, it was the case of a meritorious student, the Division Bench directed that the fees paid at the time of admission would be retained with the college that too in a case in which the admission was on merit and the cancellation sought was for getting admitted in an institution of higher reputation. This Court is unable to find any similarity with the aforesaid case.

5. Herein, the discontinuance of the course was not on account of admission to any other professional course, in any other institution. The discontinuance of the course was only an account of the student's marriage. Definitely, the petitioner and his daughter would be entitled to take such a course, but, however, in the matter of return of certificates they would have to comply with the specific terms of the prospectus. The petitioner's daughter got herself admitted to the course, agreeing to the condition that, if discontinuance is effected after the closure of admission, the entire tuition fees would be paid.

6. The Government in Ext.P6 considered the fact of self-financing colleges, functioning with their own fund, without any aid or grant from the State Government. Such sustenance has to be from the funds collected from the students, which is also regulated by the State Government by appropriate measures. When a student discontinues after closure of admission, the college is put to disadvantage in not being able to collect the fees of the said student.

7. Admissions are made only to such seats allotted to a college, for a particular course, as regulated by the affiliation norms of the University. The college necessarily has to provide the infra-structure facilities to that number of students permitted to be admitted. The fees fixed for each student is on the balancing considerations of the economic feasibility of the course carried on for a definite number of students. When one student discontinues studies, that too after closure of admission, as stipulated by the Government, the college is deprived of the fees of that seat, which remains vacant through out the course.

8. The petitioner, fully aware of the prescription in the prospectus, took admission in the management quota and later after the closure of admissions, discontinued the course, to enter into matrimony. In such circumstance, no infirmity can be found in Ext.P7. If the petitioner pays the amounts as demanded by the college, then, definitely, the certificates would be returned.

The writ petition would stand dismissed. No costs.