

(2005) 07 NCDRC CK 0015

In the National Consumer Disputes Redressal Commission

RAHUL JAIN

APPELLANT

Vs

Adesh Institute Of Engg And Tech

RESPONDENT

Date of Decision : 22-07-2005

Acts Referred:

Citation : 2005 4 CPJ 462

Hon'ble Judges : R.S.MONGIA , C.P.BUDHIRAJA , JASBIR KAPOOR J.

Judgement

1. THIS is an appeal against the order of the District Forum by which the complaint of the complainant was partly allowed. Dissatisfied with the order of the District Forum the complainant has come in appeal. On notice of motion having been issued, the respondents have appeared. We have heard the learned Counsel for the parties. The complainant had sat in the CET - 2003 examination held by the Punjab Technical University for selecting students on the basis of their performance in the CET for various technical courses in the engineering colleges affiliated to the Punjab Technical University. After the students make a certain grade, counselling is done to allot them the seats in various colleges depending upon their choice. In the first counselling, first preference is taken care of and if all the candidates on the basis of their first preference are not adjusted then second counselling is done to adjust the students on the basis of their second preference. In this process, sometimes the students shift from one affiliated college to the other as seats may become available on not joining the candidates having been allotted to a particular college. In such cases, the provision has been made for refunding the fee which might have deposited by a student when he join the other college after second counselling. The relevant rules which are contained in the Brochure issued by the Punjab Technical University CET - 2003 are as follows: "7.2 Rules for refund of initial deposit and other fees - (a) An amount of Rs. 10,000 is collected from the candidates during first counselling as the initial deposit. Out of this amount an amount of Rs. 2,500 is retained by the University as the counselling fee. The balance amount of Rs. 7,500 shall be refunded to the Colleges/Universities to be adjusted against the fees to be paid by the students for the 2nd semester, provided the candidate has

reported to the allotted college and has paid the full tuition fee and all other fees for the first semester.

(b) The candidate has the option to change the discipline and College/University in the subsequent Counselling. In that case, the candidate is required to pay an additional amount of Rs. 2,500 as the counselling fee again. If the candidate reports to the allotted college after the second counselling then his/her previous college is allowed to deduct 10% of the tuition fee of the first semester only and the remaining charges paid by the candidate after the first counselling are to be transferred to the new college. In that case, the balance amount of Rs. 7,500 shall be transferred to the new college allotted, during the second counselling. However, the fee deposited after taking admission in a College/University on the basis of CET - 2003 umbrella in the 1st/2nd counselling, shall stand forfeited by the respective College/University (excepting the Security Deposits).

(i) when such candidate joins a college/University outside the umbrella of CET - 2003, or (ii) leaves the studies, or (iii) takes direct admission in any one of the colleges/Universities within the CET - 2003 umbrella but not on the basis of 1st and 2nd counselling conducted by PTU.

(c) If the candidate does not report to the allotted college after the second counselling and he/she has paid the tuition fee and other charges after the first counselling then his balance amount of Rs. 7,500 shall be refunded to the candidate directly. However, the tuition fee and other charges paid by the candidate shall be refundable after deducting 10% of the tuition fee of the first semester only if he/she has surrendered the seats and has informed the concerned college and the Chief Coordinator in writing well in advance before the start of the second Counselling.

(d) THIS amount of Rs. 7,500 shall stand forfeited in the following cases:

(i) The student does not report to the allotted college after the first counselling.
(ii) The student opts to take direct admission in a college affiliated to PTU. (iii) The student opts to take admission in a college not affiliated to PTU.

(e) If the Colleges/Universities do not transfer the amount to other Colleges/Universities up to a date specified by the PTU, then interest @ 15% shall be chargeable from that date."

2. IN the present case the complainant after sitting in the CET - 2003 never underwent counselling and was directly admitted by the respondent -2 college under the management quota and deposited the fee, etc. including the security. For reasons best known to the complainant, he left the studies in the respondent -2 college on his own. He claimed refund of the fee deposited in respondent 2 college i.e., Rs. 40,000 including his security, etc. Learned Counsel for the respondent argued that as per the regulations above especially 7.2(b)(iii) read with 7.2(d)(ii), nothing is refundable to those candidates who have been admitted to a college not through the counselling after CET but against the

management quota seats. In other words, if a candidate who is admitted against management quota seats leaves the college on his own, the fee is not refundable as per the aforesaid regulation. However, learned Counsel for the appellant drew out attention to the letter issued by the Director, Colleges of the Punjab Technical University dated 23.9.2003 which reads as under: "Subject: Refund of fees. The University is making refund of Rs. 7,500 to the candidates, directly, who have deposited the fee in the affiliated colleges and either have surrendered their seats, upto 18.7.2003 or changed the University in the 2nd counselling. You are requested to refund the total fee after deducting 10% of the tuition fee for 1st semester only to the candidates who have - 1. surrendered their seats upto 18.7.2003. 2. changed their University in the 2nd counselling."

3. APART from the fact that the Registrar of the University in his affidavit before the District Forum had submitted that the aforesaid letter is not applicable to the students who get admission in the management quota seats, we also find that the aforesaid letter does not override the basic feature of the regulation 7.2. It only mentions that the University was refunding the amount of Rs. 7,500 to the candidates directly who had deposited the fee in the affiliated college and surrendered the seats upto 18.7.2003 and, therefore, the other colleges where the student had surrendered a seat upto 18.7.2003 was to be refunded the fee after deducting 10%. According to the Counsel, since the appellant -complainant had surrendered his seat with respondent - 2 college prior to 18.7.2003, he is entitled to the refund of fee after deducting 10%. Apart from the fact that the Registrar of the same University in his affidavit stated that this letter is not applicable to the students who get admission directly we also find that the letter dated 23.9.2003 supra only covered those candidates who had sought admission through counselling. In Regulation 7.2 no date is mentioned and perhaps the idea of the letter dated 23.9.2003 was to give a date before the candidates who come through counselling have surrendered the seat. According to us, this letter would not be helpful to the case of the complainant who did not join through counselling. We find nothing wrong in the approach of the District Forum. We uphold the order of the District Forum. Appeal dismissed. There will be no order as to costs. Appeal dismissed.