

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).8745/2006

(From the judgement and order dated 02/04/2004 in CP No. 1867/2003 & WA No. 6991/2003 of The HIGH COURT OF KARNATAKA AT BANGALORE)

MOHAN RAO

Petitioner(s)

VERSUS

REGISTRAR VISVESVARAYA TECH. UNIV. &ANR

Respondent(s)

(With appln(s) for c/delay in filing SLP and impleadment as petitioner)
(For final disposal)

Date: 04/05/2009 This Petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE P. SATHASIVAM
HON'BLE DR. JUSTICE MUKUNDAKAM SHARMAFor Petitioner(s) Ms. Madhurima Tatia, Adv.
Mr. Indra Makwana, Adv.For Respondent(s) Mr. Pradeep Kumar Bakshi, Adv. (N.P..)
Mr. ...Proxy, Adv.
For Mr. V.N. Raghupathy , AdvUPON hearing counsel the Court made the following
ORDER

Heard learned counsel for the parties.

Counsel is not present for the institution i.e. the second
respondent.The petitioner's son got admission to B.E. in Electronics with the
second respondent - M. Visvesvaraya Institute of Technology and at the time
of admission a sum of Rs.4,48,265/- was paid to the second respondent
towards fees and

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other preliminary expenses. It so happened that the petitioner's son's
marks, on revaluation got reduced. Therefore, he became ineligible to get
admission, therefore, he could not continue in the said course. The
petitioner's son sought for refund of the entire amount paid from the college.

But the second respondent-Institute insisted that the entire amount shall be forfeited. The petitioner approached the High Court and the learned Single Judge directed that a sum of Rs.2,50,000/- be paid back to the petitioner's son. Not satisfied with the amount and claiming full amount, the petitioner filed an appeal before the High Court and the High Court confirmed the same. It is submitted by the petitioner's counsel that the last date for admission is 14.11.2002 and even before the last date the petitioner prayed for refund due to unforeseen event and therefore he should have been given refund of the entire fee paid by him. It is not known as to whether the seat left by the petitioner's son was later filled up or not. The petitioner also has not produced any document to show that the seat was later filled up by the second respondent-Institute and whether they collected fees from some other candidate.

Having regard to the facts, we direct that the second respondent-Institution shall pay a sum of Rs.1,00,000/- more within a period of eight weeks to the petitioner's son, in addition to whatever has been paid to him and this is treated as final settlement of the claim.

The special leave petition is disposed of accordingly.

(R.K. Dhawan) (Veera Verma)
Court Master Court Master