

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.07.2015

CORAM

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE
AND
The Hon'ble MR.JUSTICE T.S.SIVAGNANAM

W.P.No.12881 of 2015

Velammal Medical College Hospital
and Research Institute,
rep. by its Chairman,
Velammal Village,
Madurai - Tuticorin Road,
Anuppanadi,
Madurai-625 009. ... Petitioner

-vs-

- 1.The State of Tamilnadu,
rep. by its Secretary,
Health & Family Welfare Department,
Fort St. George,
Chennai-600 009.
- 2.The Committee on Fixation of Fee
in respect of Self Financing
Professional Colleges,
rep. by its Member Secretary,
F-1, DOTE Staff Quarters,
Gandhi Mandapam Road,
Guindy, Chennai-600 025. .. Respondent

Writ Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorarified Mandamus calling for the entire records of the 2nd respondent which culminated in the impugned proceedings No.CFF/Medical/Dental/Courses/018/2014 dt. 14.08.2014 communicated on 25.02.2015 through email to the Tamil Nadu Private Professional Colleges Association - Health Services and to quash the same as arbitrary, illegal and against the principles lay down by the Hon'ble Supreme Court of India and to further direct the 2nd respondent Committee to determine separate fee structure for the Petitioner Institution for 3 academic years commencing from 2014-15 by considering the expenditures mentioned in the representations dt. 31.05.2014, 17.10.2014 and 21.11.2014 by following the principles laid down by the Hon'ble Supreme Court of India in its judgments reported in 2002 (8) SCC 481 - T.M.A. Paid Foundation v. State of Karnataka, 2003 (6) SCC 697 Islamic Academy of Education v. State of Karnataka, 2004 (5) SCC 583 Modern School and others v. Union of

India and 2005 (6) SCC 537 P.A.Inamdar v. State of Maharashtra.

For Petitioner : Mr.R.Muthukumaraswamy
Senior Counsel
for
Mr.V.P.Sengottuvel

For Respondents : Mr.P.H.Arvind Pandian
Addl. Advocate General
assisted by
Mr.P.Sanjai Gandhi
Addl. Government Pleader

ORDER

(Order of the Court was made by The Hon'ble Chief Justice)

On hearing the learned counsel for parties, the following directions are issued:-

(i) The Committee on Fixation of Fee in respect of Self Financing Professional College/Respondent No.2 to re-examine the case of the petitioner, who will be given a hearing.

(ii) The order to be passed would specifically deal with the aspects over which the Committee disagrees with the claim of the Petitioner.

(iii) The exercise be carried out within two months from the date of receipt of this order.

2. The writ petition, accordingly, stands disposed of. No costs.

Sd/-

Assistant Registrar

True Copy

Sub Assistant Registrar

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To

1.The Secretary,
Health & Family Welfare Department,
Fort St. George,
Chennai-600 009.

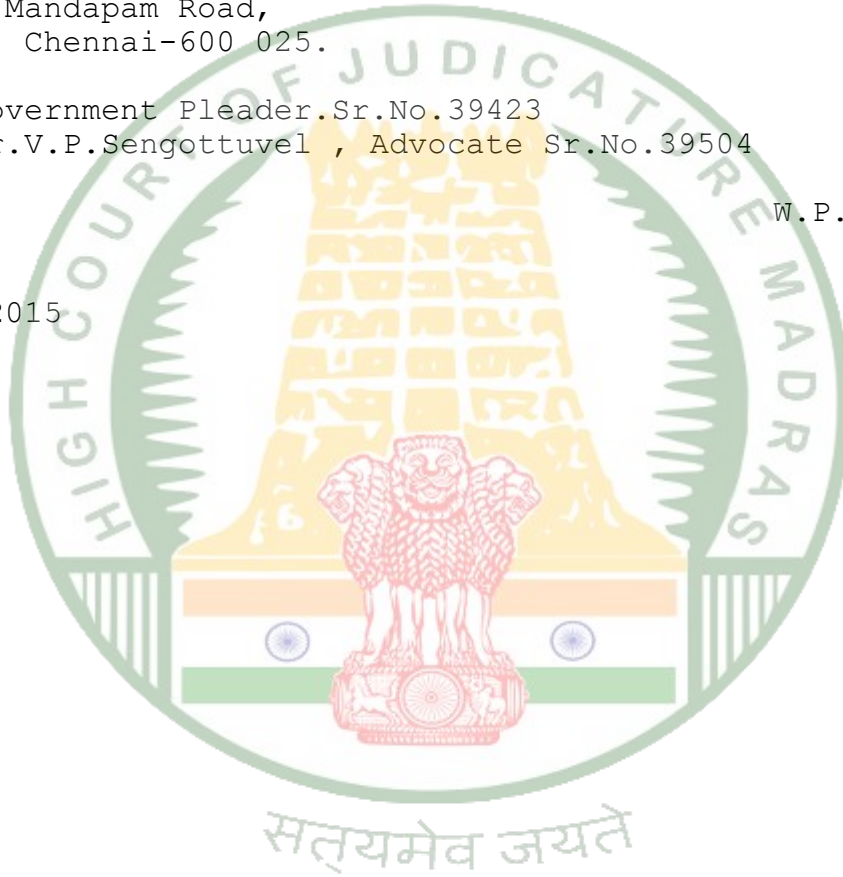
2.The Member Secretary,
Committee on Fixation of Fee
in respect of Self Financing
Professional Colleges,
F-1, DOTE Staff Quarters,
Gandhi Mandapam Road,
Guindy, Chennai-600 025.

1 cc to Government Pleader.Sr.No.39423

1 cc to Mr.V.P.Sengottuvel , Advocate Sr.No.39504

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pmk.11.8.2015



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