



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 02.12.2016

CORAM:

THE HONOURABLE MR. JUSTICE M. GOVINDARAJ

W.P. (MD) No.10572 of 2011

and

M.P. (MD) Nos.1, 2 of 2011 & 1 of 2015

WEB COPY

B.Siva Ranjani

... Petitioner

-vs-

- 1.Thasiah College of Nursing
(Run by Chellakan Memorial Educational and
Charitable Trust), rep.by its Chairman
having Administrative Office at Thasiah
Thirumana Mandapam Campus
Near New Bus Stand, Marthandam-629 165
Kanniyakumari District
- 2.The Principal
Thasiah College of Nursing
Vellivilagam, Viricode (Post)-629 615
Kanniyakumari District
- 3.The Tamil Nadu Dr.M.G.R.Medical University
No.69, Anna Salai, Guindy, Chennai
rep.by its Registrar
- 4.The Tamil Nadu Nurses and Midwives Council
No.140, Santhom High Road, Mylapore
Near Santhom Church, Chennai-4
rep.by its Registrar

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of writ of mandamus directing the 1st and 2nd respondents to permit the petitioner to continue her study in the B.Sc., Nursing Program in their college by collecting Government fixed fees without insisting for any additional payment and permit the petitioner to stay in College Hostel premise till completion of her course of study and allow her to write University Examination for completing B.Sc., Nursing Degree Program and consequently direct the respondents 1 to 3 to issue the petitioner's degree certificate, convocation, conduct certificate, transfer certificate and other merit certificates forthwith.

(Amended vide order, dated 02.12.2016, made W.M.P. (MD) No.16048 of 2016)

<https://hcservices.ecourts.gov.in/hcservices/Petitioner>
For Respondents

:Mr.N.Dilip Kumar
:Mr.Cibi Chakraborty for R1 & R2
Mr.C.Karthik for R3
Mr.A.R.Nixon for R4

**O R D E R**

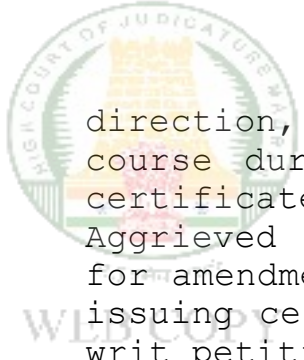
The prayer in this writ petition is for issuance of a writ of mandamus to direct the respondents 1 and 2 to permit the petitioner to continue her study in B.Sc., Nursing Program in their College by collecting fees fixed by the Government without insisting for any additional payment and to permit her to stay in the College Hostel premise till the completion of her course of study and to allow her to write University Examination for B.Sc., Nursing Degree Program and consequently to direct the respondents 1 to 3 to issue her Degree Certificate, Convocation, Conduct Certificate, Transfer Certificate and other Merit Certificates forthwith.

2. The writ petitioner joined B.Sc., Nursing Course in the first respondent Self-Finance College of Nursing. She had paid a sum of Rs.1,80,450/- towards tuition fee for first and second years and also other fees. Apart from that, the first respondent College had collected a sum of Rs.20,000/- towards mess fees and a sum of Rs.14,000/- towards Medical Examination Registration Fees from the petitioner. But, at the time of issuing Hall Ticket for University Examination, the first respondent had refused to issue Hall Ticket to the petitioner stating that unless additional sum of Rs.35,000/- is paid, they would not permit her to write University Examination. After submission of a representation to the third respondent University by the petitioner's father on 04.08.2011, she was permitted to write examination. After second year semester holidays, classes for third year was commenced on 02.09.2011. On 11.09.2011, she was restrained by the first respondent College from entering into the Hostel premises. The first respondent College had orally informed the petitioner that unless the additional sum of Rs.35,000/- is paid, she would be sent out of the College and she would not be allowed to attend the Course also. Again, the petitioner's father gave a representation to the District Collector on 11.09.2011.

3. The third respondent University has prescribed the tuition fees for Self-Financing Colleges as Rs.30,000/- and the Management should not collect any capitation fees from the students. But, the first respondent College, without giving any written demand, had demanded the additional amount from the petitioner. Since the petitioner was not permitted to continue her study, she filed the present writ petition seeking direction to the respondents 1 and 2 to permit her to continue her study in the first respondent College by collecting the Government fees and without insisting for additional payment and to permit her to stay in the College Hostel till the completion of the course.

<https://hcservices.ecourts.gov.in/hcservices/>

4. When the matter came up for admission, this Court has issued an interim direction to the respondents 1 and 2 to permit the petitioner to attend the classes and to stay in the College premises until further orders and pursuance of the interim



direction, the petitioner continued her study and completed the course during 2013. Even though she had completed the course, certificates sent by the University were not given to her. Aggrieved over the same, she has filed a miscellaneous petition for amendment of the prayer to include the consequential relief of issuing certificates also and the same is taken up along with the writ petition for final hearing.

5. The learned counsel appearing for the respondents 1 and 2 submitted that the writ petitioner had availed educational loan on the basis of the Bonafide Certificate issued by the first respondent College and she was very well aware of the fees structure of the College. According to the first respondent College, other than the memo of payment details, they have no other records to verify the fees structure of the payments made by the petitioner under various heads. Instead of going into the merits of the matter, in order to give a quietus to the issue and to permit the petitioner to enjoy the benefits of the education, the first respondent College has come out with a plea that admittedly, after deducting all the payments made by the petitioner, a sum of Rs.99,250/- is still due to the College. The first respondent College was very generous in permitting the petitioner to complete her study in the College without insisting upon the arrears of tuition fees and other fees. Therefore, she shall be directed to pay the course fees, which she has successfully undergone.

6. By consensus, in order to give a quietus to the issue, both the learned counsel appearing for the petitioner and the learned counsel appearing for the respondents 1 and 2 have agreed to a sum of Rs.12,500/- towards mess fees payable by the petitioner to the first respondent College.

7. Accordingly, the petitioner is directed to make the payment of Rs.12,500/- towards balance amount to the first respondent College and on receipt of the same, the first respondent College is directed to hand over the mark statements, course completion certificate, conduct certificate, transfer certificate, degree certificate, as followed for the other students, to the petitioner forthwith.

8. The writ petition is disposed of with the above directions. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar



To

The Registrar
Tamil Nadu Dr.M.G.R.Medical University
No.69, Anna Salai, Guindy, Chennai.

WEB COPY

+1 cc to MR.N.DILIPKUMAR, ADVOCATE, SR NO: 79191
+1 cc to MR.T.CIBI CHAKARABORTHY, ADVOCATE, SR NO:79574

KRK
SVA/JM/10.02.2017/4P/4C

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