

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25-10-2017

CORAM :

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

W.P.No.10127 of 2016

R.Jayakumar

... Petitioner

Vs

- 1.State of Tamilnadu
Rep. by its Secretary to Government,
Adi-Dravidar and Tribal Welfare Department,
Chennai - 600 009.
 - 2.The Director,
Directorate of Adi-Dravidar and Tribal
Welfare Department,
Ezhilagam,
Chennai - 600 005.
 - 3.The Director,
Directorate Medical Education,
Kilpauk,
Chennai - 600 010.
 - 4.The Principal,
Madha Medical College and Research Institute,
Kundrathur Main Road,
Kovur, Chennai - 600 122.
- (R4 amended as per order dated 14.07.2017 in
W.M.P.No.19462/2017 in WP.Nos.10127 & 10128/2016)

सत्यमेव जयते

... Respondents

Prayer : Writ petition is filed under Article 226 of the Constitution of India for issuing a Writ of Mandamus, directing the respondents 2 and 3 to order for reimbursement of Rs.2,90,000/- paid by the petitioner to the 4th respondent towards tuition fees and hostel fees for the academic year 2012-2013 and to forbear the 4th respondent from demanding the said fees for the subsequent academic years till the completion of his M.B.B.S., course, as per G.O. Ms. No.92 dated 11.09.2012 by considering his representation dated 05.03.2016.

For Petitioner :Mr.N.Manokaran

For Respondents :Mr.T.M.Pappiah (for R1 to R3)
Special Government Pleader

Mr.Abishek for
Mr.Jenasenan (for R4)

O R D E R

The petitioner was allotted Government Quota Medical seat in the fourth respondent College for the Academic year 2012-2013. The petitioner is a Scheduled Caste candidate and is entitled to reimbursement of the college fees as per G.O. Ms. No.92, dated 11.09.2012. The petitioner paid a sum of Rs.2,90,000/- and is entitled to reimbursement of the said amount. Since the amount has not been paid, the petitioner has approached this Court after giving representation dated 05.03.2016.

2.Heard, Mr.N.Manokaran, learned counsel for the petitioner; Mr.T.M.Pappiah, learned Special Government Pleader for respondents 1 to 3; Mr.Abishek learned counsel for 4th respondent.

3.Mr.Abishek, learned counsel for the fourth respondent would submit that out of Rs.2,90,000/- paid by the petitioner, Rs.1,65,000/- is the college fee, which has been reimbursed. Rs.75,000/- has been charged as hostel fee and Rs.50,000/- has been retained as interest free deposit.

4.Since, the petitioner was already reimbursed Rs.1,65,000/-, as per the G.O., it is appropriate to direct the petitioner to attend the college without wasting time.

5. It is further submitted by Mr.Abishek, learned counsel for the fourth respondent that even though the petitioner was admitted during the academic year 2012-13, even in the first year papers, he has got one arrear. Therefore, the petitioner is at liberty to write the first year examination.

6.Taking into account the over all circumstances of the case and reimbursement of Rs.1,65,000/-, being the college fee, this Court directs the petitioner to take up supplementary examination for the first year arrear paper, which the petitioner is bound to clear. Thereafter, the petitioner is directed to attend the classes for the current year and the fourth respondent is directed not to prevent the petitioner from attending the classes. The Interest free deposit of Rs.50,000/- shall be reimbursed at the end of the course.

7.With the above directions this writ petition is disposed.
No costs.

Sd/-
Assistant Registrar (CS V)

//True copy//

Sub Assistant Registrar

tkp

To

1.The Secretary to Government,
Adi-Dravidar and Tribal Welfare Department,
Chennai - 600 009.

2.The Director,
Directorate of Adi-Dravidar and Tribal
Welfare Department,
Ezhilagam,
Chennai - 600 005.

3.The Director,
Directorate Medical Education,
Kilpauk,
Chennai - 600 010.

+1cc to Mr.Sathish Kumar, Advocate SR.No.75535

+1cc to Mr.V.Manoharan, Advocate SR.No.75874

+1cc to Government Pleader SR.No.76251

सत्यमेव जयते

W.P.No.10127 of 2016

GN(09/03/2018)

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