

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08-06-2017

CORAM

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P.No.14231 of 2017

and

WMP.Nos.15420 to 15422 of 2017

1. G.Ahmed Anwer
2. N.Mohamed Nizamudeen
3. R.Amirthavarshini
4. S.Nandhini
5. C.Shanmuga Sankari
6. V.Rajasree
7. R.Rabia Basree
8. S.Mothiraj
9. Preethi Meenakshi
- 10.S.Janarthanan
- 11.A.Elakkiyaa
- 12.S.M.Karthik
- 13.S.Revathy
- 14.R.Nithin Sylesh
- 15.Gokulapriyan
- 16.Durga Ravichandran
- 17.Nisha.M
- 18.Dhivya.R.

... Petitioners

-Vs-

1. The State of Tamilnadu,
Represented by The Secretary,
Ministry of Health and Family Welfare (ME) Department,
Fort St. George,
Chennai-600 009
- 2.The Directorate of Medical Education,
Represented by its Selection Committee,
Kilpauk,
Chennai-600 010.

3. The Registrar,
Annamalai University,
Annamalai Nagar-608 002.

4. The Dean,
Raja Muthaiah Dental College,
Raja Muthaiah Institute of Health Sciences,
Annamalai University,
Annamalai Nagar-608 002.

5. The Medical Council of India,
represented by its President,
Pocket-14, Sector-8, Dwarka Phase-1,
New Delhi- 110077.

... Respondents

Writ petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned order passed by the third respondent in No.T10/2017 dated 10.05.2017 and quash the same and consequently forbear the respondents herein, their men, agents, servants, subordinates or any other person or persons claiming through them or authorized by them from, in any manner, demanding or collecting fees from the petitioner herein for the II year MDS course for the academic year 2017-2018 in excess of the balance fee amount of Rs.5,79,610/- payable by these petitioners.

For Petitioner : Mr.N.Fidelia

For Respondents : Mr.V.Ananadhamurthy (R1 and R2)

Additional Government Pleader

Mr.K.Sathishkumar (R3 and R4)
Mr.V.P.Ramesh (R5)

ORDER

This Writ Petition has been filed challenging the impugned

order passed by the third respondent in No.T10/2017 dated 10.05.2017 and to quash the same and consequently forbear the respondents herein from, in any manner, demanding or collecting fees from the petitioner herein for the II year MDS course for the academic year 2017-2018 in excess of the balance fee amount of Rs.5,79,610/- payable by these petitioners.

2. The petitioners have joined M.D.S course in the year 2016-2019 in the third respondent University, after attending the counseling in the Medical Dental Council. As per Clause 54 of the Prospectus of the Tamilnadu Government Dental College/Self Financing Institutions, the petitioners were asked to pay a sum of Rs.30,000/- per annum towards tuition fees and the balance fees (if any) and other special fees etc., at the time of admission in the respective colleges. The third respondent University has asked the University to pay a sum of Rs.8,00,000/- towards tuition fees, special fees etc., without excluding the tuition fees of Rs.30,000/- which was already paid to the second respondent. As the petitioners have already paid a sum of Rs.30,000/- to the second respondent as tuition fees for the I year MDS Course, the third respondent ought to have collected only a sum of Rs.7,70,000/- as fees for the I year MDS course, but failed to do so. The petitioners were also out of anxiety to join the MDS course did not claim the

amount at that point of time and paid the fees as demanded.

3. It is further stated that as per Clause 6 of the Prospectus of the third respondent University, the students who joined MDS Post Graduate Degree Programme are entitled for monthly stipend of Rs.25,000/- for the first year and Rs.26,000/- for second year and a sum of Rs.27,000/- for third year. The petitioners have also completed the first year MDS course. However, the stipend amount of Rs.25,000/- per month was also not paid to the petitioners for 8 months and the outstanding due was Rs.1,75,000/- for each of the petitioners. While so, the third respondent, by his impugned notice in T10/2017 dated 10.05.2017, had placed a notice in the notice board of the College directing the petitioners to make payment of the tuition fees, special fees etc., for the second year MDS course, on or before 09.06.2017. Aggrieved against the impugned notice, the petitioner sent a legal notice to the third respondent, seeking to adjust the unpaid stipend of Rs.1,75,000/- and excess tuition fees collected for the I year MDS course i.e Rs.30,000/- totalling to an amount of Rs.2,05,000/- and requested to accept and collect a sum of Rs.5,79,610/- alone towards second year MDS course fee. Even after receipt of the legal notice, dated 16.05.2017, the third respondent neither accepted for payment of Rs.5,79,610/- nor gave a reply to the legal notice sent by the petitioners. Hence, the petitioners have come

forward with this Writ Petition seeking for the aforesaid relief.

4. The learned counsel for the petitioners would contend that the demand of payment of fees for the second year, without adjusting the arrears of stipend payable by the University is unfair. Admittedly, there was an arrear of Rs.1,75,000/- payable for each of the petitioners and in addition to that a sum of Rs.30,000/-, which was paid in excess to the second respondent, was payable to the petitioners and therefore there is arrears of Rs.2,05,000/- to be paid to the petitioners and therefore the petitioners may be permitted to pay the necessary fees for the II years MDS course after deducting the arrears payable to the petitioners.

5. The learned counsel for the third respondent University has fairly conceded that the arrears of stipend amount i.e. Rs.1,75,000/- and a sum of Rs.30,000/- paid as tuition fees to the second respondent at the time of counseling may be deducted and the petitioners may be permitted to pay only balance of Rs.5,79,610/-.

6. Considering the facts and circumstances of the case and also considering the submissions made by the learned counsel

appearing on either side, this Court permits the petitioners to pay a sum of Rs.5,79,610/- after deducing the stipend arrears and tuition fee (8,00,000 – (1,75,000+30,000)) on or before 09.06.2017 i.e. the date fixed by the University for payment of fee, without fine and the third respondent is directed to accept the same.

7. Accordingly, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous petitions are closed.

08.06.2017

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Note: Issue order copy on 08.06.2017

To

1. The Secretary,
Ministry of Health and Family Welfare (ME) Department,
Fort St. George,
Chennai-600 009
2. The Directorate of Medical Education,
Represented by its Selection Committee,
Kilpauk,
Chennai-600 010.
3. The Registrar,
Annamalai University,
Annamalai Nagar-608 002.
4. The Dean,
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Raja Muthaiah Institute of Health Sciences,
Annamalai University,
Annamalai Nagar-608 002.
5. The Medical Council of India,
represented by its President,
Pocket-14, Sector-8, Dwarka Phase-1,
New Delhi- 110077.

PUSHPA SATHYANARAYANA, J

arr/nl

W.P.No.14231 of 2017

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