

IN THE HIGH COURT OF JUDICATURE AT MADRAS**DATED: 07.08.2017****CORAM****THE HONOURABLE MR.JUSTICE K. RAVICHANDRABAABU****W.P.Nos.19582, 20753, 20754, 20985 & 20986 of 2017****and****W.M.P.Nos.21141, 21142, 21575, 21576,
21871 to 28174 of 2017****W.P.No.19582 of 2017**

T.Aishwaraya

...Petitioner

vs.

1. The Government of Tamilnadu
rep. By its Secretary,
Health & family Welfare Department,
Fort St.George,
Chennai – 600 009.

2. The Secretary,
Selection Committee,
The Director of Medical Education,
152, E.v.R. Periyar Salai,Kilpauk,
Chennai – 600 010.

3. The Registrar,
Annamalai University,
Annamalai Nagar, Chidambaram,
Cuddalore District.

4. The Vice Chancellor,
Annamalai University,
Annamalai Nagar, Chidambaram,
Cuddalore District.

5. The Medical Council of India,
rep. By its Secretary,
Pocket 14, Phase I, Sector 8,
Dwarka,
New Delhi – 110 077.

... Respondents

PRAYER: Writ Petitions filed under Article 226 of Constitution of India to issue a Writ of Certiorari Mandamus to call for the records pertaining to the impugned order passed by the 3rd respondent in No.T6/2017 dated 24.04.2017 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 petitioners herein for the II year Post Graduation Degree Course for the academic year 2017-2018 in excess of the balance fee amount without levying any fine amount, after deducting the outstanding stipend payable to the petitioner 1st and 2nd years, tuition fees paid by the petitioner.

W.P.No.20753 of 2017

1. A.Swathi
2. Rejeev Kumar
3. S.Shanmuga Priya Dharsheni
4. Kaviya
5. S.Mathangee

...Petitioners

vs.

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 5. The Medical Council of India,
rep. By its Secretary,
Pocket 14, Phase I, Sector 8,
Dwarka,
New Delhi – 110 077.
- सत्यमेव जयते... Respondents

PRAYER: Writ Petitions filed under Article 226 of Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order passed by the 3rd respondent in No.T6/2017 dated 24.04.2017 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 petitioners herein for the II year Post Graduation Diploma Course for the academic year 2017-2018 in excess of the balance fee amount without levying any fine amount, after deducting the outstanding stipend payable to the petitioner 1st and 2nd years, tuition fees paid by the petitioners.

W.P.No.20754 of 2017

1. K.Haynes Raja
2. R.Krishnakumar
3. R.Kirshnapiya
4. T.P.Piriyan
5. S.Raghul Raj
6. Dr.NirmalRaja
7. K.Anand Babu
8. M.Fathima Farzana
9. A.Harish Kumar
10. C.P.Mohan
11. R.Jayavarmaa
12. S.M.Shyam Kiran
13. R.Vadivambal
14. P.Loganathan
15. M.Deepam
16. Aeshika C.Jabson
17. S.Mahalakshmi
18. D.Ranjani
19. Harish Prabhakaran
20. Nivedita
21. Shanmugavalli
22. T.Prasannakumar

...Petitioners

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- सत्यमेव जयते... Respondents

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subordinates or any other person or persons claiming through them or authorized by them from, in any manner demanding or collecting fees from the petitioners herein for the II year Post Graduation Course for the academic year 2017-2018 in excess of the balance fee amount without levying any fine amount, after deducting the outstanding stipend payable to the petitioners 1st and 2nd years, tuition fees paid by the petitioners.

W.P.No.20985 of 2017

1. Dr.P.Sangamithirai
2. Ravi Kant Ojha
3. K.Nivedhitha

...Petitioners

vs.

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4. The Vice Chancellor,
Annamalai University,
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5. The Medical Council of India,
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W.P.No.20986 of 2017

1. A.Hussain

2. G.Ridhi

3. A.Ra.Boornema

...Petitioners

VS.

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- सत्यमेव जयते... Respondents

PRAYER: Writ Petitions filed under Article 226 of Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order passed by the 3rd respondent in No.T6/2017 dated 24.04.2017 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 petitioners herein for the II year Post Graduation Course for the academic year 2017-2018 in excess of the balance fee amount without levying any fine amount, after deducting the outstanding stipend payable to the petitioners 1st and 2nd years, tuition fees paid by the petitioners.

For Petitioners : Mr.T.Padmanabhan

For Respondents : Mr.A.Kumar,
Special Government Pleader for R1 & R2
Mr.K.Satish Kumar,
Standing counsel for R3 and R4

COMMON ORDER

The petitioners in W.P.No.20754 of 2017 and W.P.No.20985 of 2017 are the students admitted in Post Graduation Diploma Course in the respondent University. The other writ petitioners are students admitted in their respective Post Graduate Degree Course in Medicine. As the issue involved in all the writ petitions is one and the same and that the said issue is already covered by the order passed by this Court in W.P.No.14231 of 2017 dated 08.06.2017, these writ petitions are taken up together for final disposal with the consent of the learned

counsels appearing for the respective parties.

2. These petitioners have challenged the proceedings of the respondent University calling upon them to pay the second year tuition fees, only on the ground that the stipend payable to these students by the respondent University in respect of the first year has not been either paid or adjusted, while making the impugned demand. In other words, the grievance of the petitioners is that when the respondent University has not paid the arrears of stipend payable to these petitioners in respect of their first year course, the petitioners cannot be called upon to pay the second year tuition fees without even adjusting the arrears of stipend payable by the respondent University. Apart from their claim in respect of stipend arrears, the petitioners have also sought for refund of the sum of rupees paid towards the tuition fees at the time of counselling.

3. The learned counsel appearing for the petitioners in all these writ petitions submitted that only when the respondent University pays the arrears of stipend and adjust the part tuition fee amount paid by the petitioners at the time of counselling, they will be in a position to pay the second year tuition fees as claimed in the impugned proceedings. He further submitted that the University has also not paid

the stipend for the second year so far accrued.

4. The learned standing counsel appearing for the respondent University fairly submitted that whatever the arrears of stipend being payable to the petitioners by the University in respect of first year, the same can be adjusted by the petitioners while remitting the fees towards the second year. Likewise the learned counsel appearing for the University also fairly submitted that the part of tuition fees paid by them at the time of counselling also can be adjusted while remitting the second year fees. Thus, he submitted that the petitioners are entitled to receive the stipend so far accrued for second year, only when they make the payment of second year tuition fees after such adjustment.

5. Upon hearing the learned counsel appearing on either side and considering their respective submissions and on perusing the order passed by this Court in W.P.No.14231 of 2017 dated 08.06.2017 arising out of the same issue, this Court is of the view that the petitioners are entitled to adjust the arrears of stipend payable in respect of the first year and also the sum paid by them towards the part tuition fees at the time of counselling, while remitting the tuition fees for the second year. Once they remit the tuition fees for the

second year after such adjustment, the respondent shall have to pay the arrears of stipend so far accrued to them in respect of the second year, without any further delay. Accordingly, all these writ petitions are disposed of by passing the following order.

(a) All these petitioners are permitted to pay the second year tuition fees after deducting the stipend arrears payable by the University towards first year and part of tuition fees paid by them at the time of counselling.

(b) The above said payments shall be made by the petitioners on or before 28.08.2017.

(c) On receipt of the second year tuition fees after such adjustment as stated supra, the respondent University shall pay the stipend so far accrued and payable to the petitioners in respect of the second year, within a period of four weeks.

No costs. Consequently, connected miscellaneous petitions are closed.

सत्यमेव जयते

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Speaking/Non-speaking order
Index:Yes/No
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Note: Issue order copy on 08.08.2017

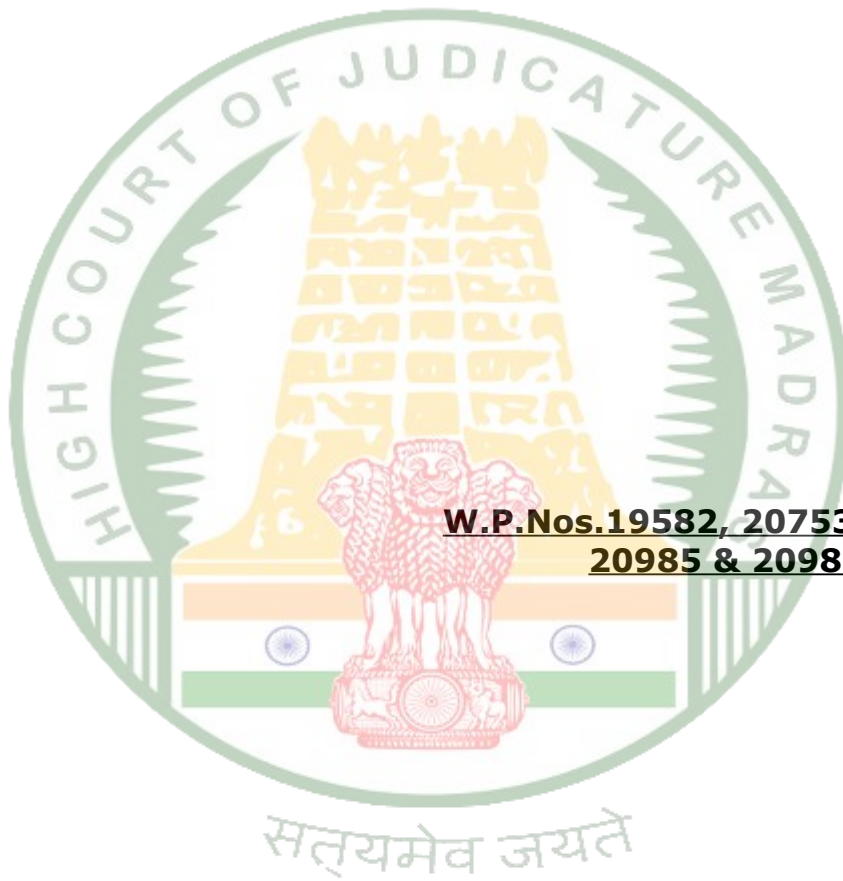
To

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K.RAVICHANDRABAABU,J.

vsi



**W.P.Nos.19582, 20753, 20754,
20985 & 20986 of 2017**

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