



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.11.2017

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WEB COPY

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P(MD) No.5186 of 2017

Priyanka

... Petitioner

-vs-

1. The District Collector,
Tirunelveli District.
2. The Director of Aadi Thiravidar Welfare,
Cheppakkam, Ezlilagam,
Chennai-5.
3. The Director of College Education,
Chennai.
4. The Secretary,
Sarah Tucker College (Autonomous),
Palayamkottai, Tirunelveli District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents herein to provide all the benefits to the petitioner as per G.O.No.92 dated 11.09.2012 and to issue the relevant documents of the petitioner in the possession of 4th respondent by considering the petitioner's representation dated 06.03.2017.

For Petitioner	: Mr.R.Vinoth Bharathi
For R1 to R3	: Mr.T.S.Mohamed Mohideen Addl. Govt. Pleader
For R4	: Mr.H.Arumugam

O R D E R

This writ petition has been filed, seeking a direction to the respondents herein to provide all the benefits to the petitioner as per G.O.No.92 dated 11.09.2012 and to issue the relevant documents of the petitioner in the possession of 4th respondent by considering the petitioner's representation dated



2. Heard the learned counsel for the parties. By consent, the writ petition is taken up for final disposal at the admission stage itself.

3. The case of the petitioner is that he, who belongs to Adi Thiravidar Community, had paid a sum of Rs.60,000/- in toto as tuition fee to the 4th respondent college and subsequently, he came to know that as per G.O.No.92 dated 11.09.2012, he has been exempted from payment of the said fee. Therefore, he has submitted a representation dated 06.03.2017 to the respondents 1 to 3 for refund of the amount remitted by him. Since there was no response on the said representation, the petitioner is before this Court with the above prayer.

4. On the other hand, the learned counsel for the 4th respondent has drawn the attention of this Court to the Paragraph No.14 of counter filed by the 4th respondent, wherein it has been stated as under:

"14. Subsequently, the 2nd respondent on 07.11.14 issued a circular for implementation of G.O.No.92 to all the colleges and on receipt of the same the College has sent the proposal and claimed the amount through its letter dated 19.11.14. As a matter of fact the College informed the father of the petitioner to pay the fee for 3rd year vide letter dated 13.11.14 through registered post annexing the fee details and breakup. Subsequently on 22.01.15 the college has clarified the amount, on the basis of the circular issued by the 2nd respondent by giving deduction of tuition fee of Rs.4,750/- and demanded the remaining amount of Rs.25,250/-. But the father of the petitioner gave another petition on 25.05.15 before the respondents 1 and 3. The said complaint is totally false and made by abusing the law since there is no question of refund when the Government has not paid the amount and in particularly when the petitioner has not produced the income certificate so as to avail the benefits."

Therefore, it is contended that in the event of the petitioner producing necessary documents to substantiate her claim and after receipt of the amount from the Government, her request for refund will be entertained and considered in a time bound manner.

5. Under such circumstances, since the issue involved in this petition is factual in nature, the respondents, more particularly the 4th respondent, are directed to consider the claim of the petitioner for refund of the tuition fee to her and pass suitable orders on merits and in accordance with law within a period of four weeks from the date of receipt of a copy of this order. The respondents are also directed to afford an opportunity of hearing to the petitioner as well as for production of documents in the light of G.O.No.92 dated 11.09.2012.



6. With the above direction, the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(AD-II)

/True Copy/

Sub Assistant Registrar

To:

1. The District Collector,
Tirunelveli District.
2. The Director of Aadi Thiravidar Welfare,
Cheppakkam, Ezlilagam,
Chennai-5.
3. The Director of College Education,
Chennai.

+ 1 cc TO Mr.R.Vinoth Bharathi , Advocate in SR No. 88356
+ 1 cc TO Mr.H.Arumugam , Advocate in SR No. 88333
+ 1 cc TO The Special Government Pleader in SR No. 88663

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AE/SKN RSK/SAR1/06.12.2017/3P/7C

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