

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.01.2019

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P. No.20103 of 2018 and
W.M.P. No.23570 of 2018

D.B.Abishwin Sundar

.. Petitioner

-vs-

1.Secretary to Government,
Ministry of Health,
Government of Tamil Nadu,
Secretariat, Chennai.

2.Director of Medical Education,
Kilpauk, Chennai-600 010.

3.Tamil Nadu Dr. M.G.R.Medical University,
No.69, Anna Salai, Little Mount,
Guindy, Chennai - 600 032.

4.Madha Medical College & Research Institute,
Kunrathur Main Road,
Thandalam, Kovur,
Chennai-600 122.

... Respondents

Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of mandamus directing the respondents to accept the fees as recommended by the Fee Fixation Committee and to permit the petitioner to complete his M.B.B.S. Course.

For Petitioner :: Mr.S.Thiruvengadam

For Respondents:: Mr.V.Kadhirvelu,
Special Government Pleader
for R1 and R2

Mr.D.Ravichander
Standing Counsel for R3

Mr.E.K.Kumaresan for R4

ORDER

The petitioner has come to this Court seeking a direction to the respondents to accept the fees as recommended by the Fixation Committee and permit him to complete his M.B.B.S. Course.

2.Learned counsel appearing for the petitioner would submit that the petitioner having completed XII Standard in the Zion Matriculation School, Selaiyur, East Tambaram, joined the M.B.B.S. Course for the academic year 2013-14, after paying a sum of Rs.27,00,000/- as capitation fee. He would further submit that when the petitioner wanted to write the II year examination, he was asked to pay a sum of Rs.7,00,000/- and accordingly, he has paid a sum of Rs.6,00,000/- out of Rs.7,00,000/- and sought two months time for paying the balance amount. Since the fourth respondent refused to grant time, the petitioner was not permitted to write the examination for the academic year 2014-15. In this regard, he has given a complaint to the first respondent alleging some harassment meted out to him. According to the learned counsel for the petitioner, when now the petitioner has completed the first year M.B.B.S. Course and he has also prepared to pay the tuition fees, he should be allowed to continue his studies. Therefore, a direction be issued to the fourth respondent to permit him to attend the classes. Learned counsel for the petitioner also drawn the notice of this Court to the Proceedings dated 30.01.2018 issued by the Fee Fixation Committee for Self Financing Professional Colleges. It is relevant to extract paras 5 and 6 of the said Proceedings as under:

"5. The Committee in its meeting discussed in detail regarding the enquiry report submitted by the enquiry committee, with the Dean, Dr.K.Gajendran, Madha Medical College and hospital, during the discussion one of the enquiry committee member Dr.Indhumathy M.D, Deputy Director of Medical Education (PME) is present. The Committee also discussed the matter with the Controller of Examination (I/c), Tamil Nadu Dr.MGR Medical University with regard to the question whether to permit the student to appear for the examination. Based on the report and also considering the fact that the student Sri Abishwin Sundar having sufficient percentage of attendance is to appear for the examination and also considering the future of the student Sri Abishwin Sundar, the Committee unanimously decided to request the Director of Medical

Education / Vice Chancellor, Tamil Nadu Dr.MGR Medical University to take appropriate action to permit the student Sri Abishwin Sundar to appear for the second year examination for the subjects for which he is eligible to take up the examinations subject to the MCI norms and University regulations.

The result shall not be declared until the receipt of final enquiry of the Committee. The Dean Dr.K.Gajendran has also accepted to permit the student to appear for the examination subject to payment of Examination Fee to the University.

6. The student is directed to apply and pay the examination fee for the eligible subjects directly to the university and get the Hall ticket from the university."

3.According to the learned counsel for the petitioner, since a direction has already been issued by the Fee Fixation Committee to appear for the examination on the ground that the petitioner has got sufficient percentage of attendance, the petitioner is prepared to appear for the second year M.B.B.S course, after paying requisite tuition fees namely, the balance amount.

4.Learned counsel for the fourth respondent submitted that the submission made by the learned counsel for the petitioner that the petitioner has paid Rs.6,00,000/- out of Rs.7,00,000/- for the second year M.B.B.S. Course is incorrect and he has paid only Rs.4,25,000/-.

5.Therefore, the petitioner is directed to approach the fourth respondent along with the receipt of fee payment for the second year. However, the fourth respondent, on the basis of the receipt, showing the payment of the tuition fee for the second year, made by the petitioner, is directed to collect the balance amount and permit the petitioner to attend the classes. Thereafter, if the petitioner secures the requisite attendance, the fourth respondent shall forward the papers to the University for issuance of hall ticket and on receipt of the same, the University shall issue the hall ticket to the petitioner.

6.With the above directions, the writ petition stands disposed of. Consequently, connected W.M.P. is closed. No costs.

Sd/-
Assistant Registrar (CS-IV)

//True copy//

Sub Assistant Registrar

vga

To

1.Secretary to Government,
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2.Directorate of Medical Education,
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Thandalam, Kovur,
Chennai-600 122.

+1cc to Mr.E.K.Kumaresan, Advocate SR.No.7288

+1cc to Mr.S.Thiruvengadam, Advocate SR.No.6916

+1cc to Government Pleader SR.No.8211

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SSI (CO)
GMY (22/02/2019)

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