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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.MANIKUMAR
and
THE HONOURABLE MR.JUSTICE SUBRAMONIUM PRASAD

W.P.No.17867 of 2019
and W.M.P.Nos.17270, 17273 & 17277 of 2019

Dr.G.R.Ravindranath

..Petitioner

Vs.

1. The Principal Secretary to Government,
Higher Education Department,
Fort St.George, Chennai - 600 009.
2. The Principal Secretary to Government,
Health & Family Welfare Department,
Fort St.George, Chennai - 600 009.
3. The Director of Medical Education,
DME, No.16, Periar EVR High Road,
Kilpauk, Chennai - 600 010.
4. The Secretary,
Selection Committee,
The Director of Medical Education,,
DME, No.16, Periar EVR High Road,
Kilpauk, Chennai - 600 010.
5. The Registrar,
Annamalai University,
Annamalai Nagar, Chidambaram,
Tamil Nadu - 608 002.
6. The Medical Council of India,
Rep. by its Secretary,
Sector-8, Pocket-14,
Dwaraka Phase-1,
New Delhi - 110 077.
7. Rajah Muthiah Medical College,
Annamalai Nagar, Chidambaram,
Tamil Nadu - 608 002.

..Respondents



Prayer: Writ Petition is filed under Article 226 of the Constitution of India, issuance of a Writ of certiorarified mandamus, calling for the records relating to the "Prospectus for Admission to MBBS and BDS Degree Courses in Tamil Nadu Government Medical / Dental Colleges 2019-20 Session" published by the respondents 1 to 4 in so far as the same declaring Raja Muthiah Medical College as unaided private medical college and fixing the fee as Rs.5,44,370/- for MBBS Course and allowing Annamalai University to fix the fee for BDS course and struck down the same and consequently direct the respondent authorities to treat the seats available in the said medical college as "Government Seats" and declare the fee structure thereof on par with the Tamilnadu Government Medical and Dental Colleges forthwith.

For Petitioner	: Mr.S.Thanka Sivan
For Respondent Nos.1 to 3	: Mr.V.Kadhirvelu Special Government Pleader
For Respondent No.4	: Mr.Abdul Saleem
For Respondent Nos.5 & 7	: Mr.Vijay Narayanan Advocate General Assisted by Mr.K.Sathish Kumar
For Respondent No.6	: Mr.V.P.Raman

O R D E R

(Order of this Court was made by SUBRAMONIUM PRASAD, J.)

Instant Writ Petition has been filed for a writ of certiorarified mandamus, calling for the records relating to the "Prospectus for Admission to MBBS and BDS Degree Courses in Tamil Nadu Government Medical / Dental Colleges 2019-2020 Session" published by the respondents 1 to 4 in so far as the same declaring Raja Muthiah Medical College as unaided private medical college and fixing the fee as Rs.5,44,370/- for MBBS Course and allowing Annamalai University to fix the fee for BDS course and struck down the same and consequently direct the respondent authorities to treat the seats available in the said medical college as "Government Seats" and declare the fee structure thereof on par with the Tamilnadu Government Medical and Dental Colleges forthwith.

2. Petitioner has contended that Annamalai University was constituted under the Annamalai University Act, 1928 [Madras Act 1 of 1929]. The Act received the assent of the Governor and the



Governor General on 03.11.1928 and 11.12.1928, respectively and was first published in the Fort of St. George Gazette dated 01.01.1929. The University established the respondent no.7 College, namely, Rajah Muthiah Medical College in the year 1985.

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3. In the year 1992, the State Legislature enacted the Tamil Nadu Educational Institutions (Prohibition of Collection of Capitation Fee) Act, 1992 (hereinafter referred to as "the 1992 Act"). Section 2(b) of the said Act defines "educational institution" as under;

"2.(b) "educational institution" means any institution, by whatever name called, whether managed by any person, private body, local authority, trust or university, carrying on the activity of imparting education leading to a degree or diploma (including a degree or diploma in law, medicine or engineering) conferred by any university established under any law made by the legislature of the State of Tamil Nadu and any other educational institution or class or classes of educational institutions (other than any educational institution established by the Central Government or under any law made by Parliament) as the Government may, by notification, specify;"

4. Section 4 of the 1992 Act deals with the regulation of tuition fee or other fees or deposits and was initially as under;

"4. Regulation of fee, etc.-(1) Notwithstanding anything contained in any other law for the time being in force, the Government may, by notification, regulate the tuition fee or any other fee or deposit that may be received or collected by any educational institution or class or classes of such educational institutions in respect of any or all class or classes of students:

Provided that before issuing a notification under this sub-section, the draft of which shall be published in the Tamil Nadu Government Gazette stating that any objection or suggestion which may be received by the Government, within such period as may be specified therein, shall be considered by them.



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(2) No educational institution shall receive or collect any fee or accept deposit in excess of the amount notified under sub-section (1).

(3) Every educational institution shall issue an official receipt for the fee or deposit received or collected by it."

5. After the judgment of the Hon'ble Supreme Court in Islamic Academy of Education v. State of Karnataka reported in (2003) 6 SCC 697, sub-section (2-A) was added along with an Explanation in Section 4 of the 1992 Act by the State Legislature vide the Tamil Nadu Educational Institutions (Prohibition of Collection of Capitation Fee) Amendment Act, 2007. As a result of the aforesaid insertion of sub-section (2-A) and Explanation, Section 4 of the 1992 Act now reads as under;

"4. Regulation of fee, etc.-

(1) Notwithstanding anything contained in any other law for the time being in force, the Government may, by notification, regulate the tuition fee or any other fee or deposit that may be received or collected by any educational institution or class or classes of such educational institutions in respect of any or all class or classes of students:

Provided that before issuing a notification under this sub-section, the draft of which shall be published in the Tamil Nadu Government Gazette stating that any objection or suggestion which may be received by the Government, within such period as may be specified therein, shall be considered by them.

(2) No educational Institution shall receive or collect any fee or accept deposit in excess of the amount notified under sub-section (1).

(2-A) Notwithstanding anything contained in sub-section (1) or subsection (2), no educational institution imparting education leading to a degree in medicine or engineering shall receive or collect any fee in excess of the amount fixed by the "Committee on fixation of fee" constituted by the Government.



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Explanation.—For the purpose of this sub-section "Committee on fixation of fee" means the Committee constituted in pursuance of the direction of the Supreme Court in *Islamic Academy of Education v. State of Karnataka* reported in (2003) 6 SCC 697.

(3) Every educational institution shall issue an official receipt for the fee or deposit received or collected by it."

6. The fee fixed by the Annamalai University was challenged in this Court in W.P.No.20720 of 2014 wherein it was prayed that the fees must be fixed by the Committee in terms of the 1992 Act. A learned single Judge dismissed the challenge raised by the petitioners. The correctness of the decision of the learned single Judge was challenged by the students by filing Writ Appeal Nos.1637 and 1638 of 2014 etc. batch. A Hon'ble Division Bench affirmed the order of the learned single Judge. Order of the Division Bench was challenged before the Hon'ble Supreme Court by filing a Special Leave Petition. Leave was granted. The Hon'ble Supreme Court in *M.Aamira Fathima v. Annamalai University* reported in (2018) 9 SCC 171, held as follows;

"13. In the present case, the Single Judge considered the definition of "educational institution" as appearing in Section 2(b) of the 1992 Act and came to the conclusion that for the purposes of application of the provisions of the 1992 Act the institution concerned ought to have been notified by the State Government and an appropriate reference must be made to the Fee Fixation Committee. This reasoning has been affirmed by the Division Bench. It is, therefore, crucial to consider the scope and ambit of the said provision. For facility, the definition of "educational institution" can be divided in two parts as under. Section 2(b) "educational institution" means:

(I) any institution by whatever name called, whether managed by any person, private body, local authority, trust or university, carrying on the activity of imparting education leading to a degree or diploma (including a degree or diploma in Law, Medicine or Engineering) conferred by any university established under any law made by the legislature of the State of Tamil Nadu.



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institution" within the meaning of the provisions of Section 2(b). The specification by notification is a prerequisite only if the institution concerned is otherwise not covered under Part (I). The High Court was completely in error in observing that for the application by the provisions of the 1992 Act, an educational institution must always be specified by the Government by notification. In our view, the requirement of specification of notification is only in respect of "any other educational institution or class or classes of educational institutions" and has not to be read with Part (I) of the definition, which part of the definition is an independent and standalone provision and does not require any specification by the Government.

16. The next question which must be considered is whether the University in the present case answers the description in Part (I) of Section 2(b) of the 1992 Act.

17. According to Section 3(1) of the 2013 Act, on and from the commencement of the said Act, the University established under the Annamalai University Act, 1928 shall be deemed to have been established and incorporated under the provisions of the 2013 Act. It is well settled that whenever a legislation deems, by way of legal fiction that a particular state of affairs has to be assumed, that legal fiction has to be given full effect. After quoting famous passage of Lord Asquith in *East End Dwellings Co. Ltd. v. Finsbury Borough Council* [East End Dwellings Co. Ltd. v. Finsbury Borough Council, 1952 AC 109, pp. 132-33 : (1951) 2 All ER 587, p. 599 B-D (HL)]: "If you are bidden to treat an imaginary state of affairs as real, you must ... also imagine as real the consequences and incidents which, if the putative state of affairs had in fact existed, must inevitably have flowed from or accompanied it; [and if] the statute says that you must imagine a certain state of affairs, it [cannot be interpreted to mean] that having done so, you must cause or permit your imagination to boggle when it comes to the inevitable corollaries of that



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state of affairs."], this Court in *Gurupad Khandappa Magdum v. Hirabai Khandappa Magdum* [*Gurupad Khandappa Magdum v. Hirabai Khandappa Magdum*, (1978) 3 SCC 383] held that the legal fiction engrafted in Explanation I to Section 6 of the Hindu Succession Act must be given due and full effect. There is thus no escape from the situation that the University in the present case is the one established under any law made by the legislature of the State of Tamil Nadu.

18. In *Islamic [Islamic Academy of Education v. State of Karnataka, (2003) 6 SCC 697 : 2 SCEC 339]*, this Court directed constitution of two Committees, namely, Fee Fixation Committee and Admissions Committee. Para 7 of the decision dealt with the concept of fixation of fee by the Committee and the said paragraph was as under: (SCC pp. 720-22)

"7. So far as the first question is concerned, in our view the majority judgment is very clear. There can be no fixing of a rigid fee structure by the Government. Each institute must have the freedom to fix its own fee structure taking into consideration the need to generate funds to run the institution and to provide facilities necessary for the benefit of the students. They must also be able to generate surplus which must be used for the betterment and growth of that educational institution. In para 56 of the judgment it has been categorically laid down that the decision on the fees to be charged must necessarily be left to the private educational institutions that do not seek and which are not dependent upon any funds from the Government. Each institute will be entitled to have its own fee structure. The fee structure for each institute must be fixed keeping in mind the infrastructure and facilities available, the investments made, salaries paid to the teachers and staff, future plans for expansion and/or betterment of the institution, etc. Of course there can be no profiteering and capitation fees cannot be charged. It thus needs to be emphasised that as per the majority judgment imparting of



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education is essentially charitable in nature. Thus the surplus/profit that can be generated must be only for the benefit/use of that educational institution. Profits/surplus cannot be diverted for any other use or purpose and cannot be used for personal gain or for any other business or enterprise. As, at present, there are statutes/regulations which govern the fixation of fees and as this Court has not yet considered the validity of those statutes/regulations, we direct that in order to give effect to the judgment in T.M.A. Pai case [T.M.A. Pai Foundation v. State of Karnataka, (2002) 8 SCC 481 : 2 SCEC 1] the respective State Governments/authority concerned shall set up, in each State, a committee headed by a retired High Court Judge who shall be nominated by the Chief Justice of that State. The other member, who shall be nominated by the Judge, should be a Chartered Accountant of repute. A representative of the Medical Council of India (in short "MCI") or the All India Council for Technical Education (in short "Aicte"), depending on the type of institution, shall also be a member. The Secretary of the State Government in charge of Medical Education or Technical Education, as the case may be, shall be a member and Secretary of the Committee. The Committee should be free to nominate/co-opt another independent person of repute, so that the total number of members of the Committee shall not exceed five. Each educational institute must place before this Committee, well in advance of the academic year, its proposed fee structure. Along with the proposed fee structure all relevant documents and books of accounts must also be produced before the Committee for their scrutiny. The Committee shall then decide whether the fees proposed by that institute are justified and are not profiteering or charging capitation fee. The Committee will be at liberty to approve the fee structure or to propose some other fee which can be charged by the institute. The fee fixed by the Committee shall be binding for a period



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footage inasmuch as by inserting sub-section (2-A) along with an Explanation in Section 4 in the 1992 Act, the Fee Fixation Committee is a statutory mechanism in terms of the said provisions of the 1992 Act. The said Section 4 shows that under sub-section (1) the Government is empowered to regulate the tuition fee or any other fees or deposits in the manner prescribed therein. But in relation to imparting of education leading to a degree in Medicine or Engineering, sub-section (2-A) has been given an overriding effect by incorporating non obstante provision. Sub-section (2-A), unlike sub-section (1), does not require any notification by the Government. If an institution carries on activity of imparting education leading to a degree or diploma as spoken of in sub-section (2-A) of the said Section 4, the fee structure has to be that which is fixed by the Committee. The legislative intent is very clear and no educational institution which comes within the scope of sub-section (2-A) can receive or collect any fees in excess of the amount fixed by the "Committee on Fixation of Fee".

21. We now have to deal with the submission whether the University by virtue of Sections 4(13) and 20(1)(m) of the 2013 Act could charge, collect and receive tuition fee without the intervention of "Committee on Fixation of Fee" as contemplated by Section 4(2-A) of the 1992 Act. The University by its very nature of activities would be running numerous courses and to that extent the provisions of the 2013 Act are general in nature. The provisions of Section 4(2-A) of the 1992 Act are specific and special and apply to courses leading to degrees in Medicine and Engineering. Therefore, insofar as professional courses leading to degrees in Medicine and Engineering are concerned, the matter must be screened and assessed by the Committee on Fixation of Fee and the submission that the University was entitled to fix fees on its own without the intervention of such Committee has to be rejected. The other submission that the students were estopped from raising a



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challenge must also fail. If a particular modality is prescribed by the legislature, any action in defiance or ignorance of such modality cannot be protected or preserved on the plea of estoppel. The reliance placed on the decision of this Court in Cochin University of Science and Technology [Cochin University of Science and Technology v. Thomas P. John, (2008) 8 SCC 82 : 3 SCEC 392] was also misplaced. In that case students who had taken admission in NRI quota, thereafter contended that their fee structure be slashed to the same level as applicable to non-NRI students. The concept of estoppel was pressed into service while rejecting the said submission but that cannot be a ground to deny the express protection available under a legislation."

7. The Hon'ble Supreme Court allowed the Appeals and set aside orders of the Hon'ble Division Bench and learned single Judge of this Court.

8. As per the directions of the Hon'ble Supreme Court stated supra, for the year 2018-2019, the Fee Fixation Committee fixed the fees for MBBS (UG), BDS (UG), Medical (PG) and MDS (PG) Courses, as follows;

MBBS (UG)

Academic Year	2013-14 (Rs.)	2014-15 (Rs.)	2015-16 (Rs.)	2016-17 (Rs.)	2017-18 (Rs.)	2018-19 (Rs.)
Govt. Medical Colleges	12,290/-	12,290/-	13,600/-	13,600/-	13,600/-	13,600/-
Private Unaided Medical Colleges	2,50,000/- To 2,80,000/-	2,50,000/- To 2,80,000/-	2,50,000/- To 2,80,000/-	2,50,000/- To 2,80,000/-	2,50,000/- To 2,80,000/-	3,55,000/- To 4,00,000/-
Raja Muthiah Medical Colleges	4,50,000/-	5,08,000/-	5,44,370/-	5,44,370/-	5,44,370/-	5,44,370/-



BDS (UG)

Academic Year	2013-14 (Rs.)	2014-15 (Rs.)	2015-16 (Rs.)	2016-17 (Rs.)	2017-18 (Rs.)	2018-19 (Rs.)
Govt. Medical Colleges	10,290/-	10,290/-	11,600/-	11,600/-	11,600/-	11,600/-
Private Unaided Medical Colleges	1,00,000/-	1,15,000/-	1,30,000/-	1,30,000/-	1,30,000/-	2,50,000/-
Raja Muthiah Medical Colleges	3,37,500/-	3,45,000/-	3,45,000/-	3,45,000/-	3,45,000/-	3,45,000/-

MEDICAL (PG)

Academic Year	2013-14 (Rs.)	2014-15 (Rs.)	2015-16 (Rs.)	2016-17 (Rs.)	2017-18 (Rs.)	2018-19 (Rs.)
Govt. Medical Colleges	30.000/- To 70,000/-	30.000/- To 70,000/-	30.000/- To 70,000/-	30.000/- To 70,000/-	30.000/- To 70,000/-	30.000/- To 70,000/-
Private Unaided Medical Colleges	NOT FIXED	NOT FIXED	NOT FIXED	2,00,000/- To 3,50,000/-	2,00,000/- To 3,50,000/-	2,00,000/- To 3,50,000/-
Raja Muthiah Medical Colleges		7,00,000/- To 9,60,000/-	7,00,000/- To 9,60,000/-	7,00,000/- To 9,60,000/-	7,00,000/- To 9,60,000/-	7,00,000/- To 9,60,000/-

MDS (PG)

Academic Year	2013-14 (Rs.)	2014-15 (Rs.)	2015-16 (Rs.)	2016-17 (Rs.)	2017-18 (Rs.)	2018-19 (Rs.)
Govt. Dental Colleges	46,000/-	46,000/-	46,000/-	46,000/-	46,000/-	46,000/-
Private Unaided Dental Colleges	2,75,000/- to 3,00,000/-	2,75,000/- to 3,50,000/-	2,75,000/- to 3,50,000/-	2,75,000/- to 3,50,000/-	2,75,000/- to 3,50,000/-	2.75 L- 3,50 L.
Raja Muthiah Medical Colleges	8,50,000/-	8,50,000/-	8,50,000/-	8,50,000/-	8,50,000/-	8,5 L.



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9. The Fee fixed by the Committee was challenged in W.P.(C)No.1361 of 2018. The Hon'ble Supreme Court, by order dated 10.12.2018, passed the following order;

"Considering the aforesaid disparity, we, prima facie, find no justification for fixing the higher fees for Raja Muthaiah Medical College as compared to the private unaided medical colleges for MBBS (UG), BDS (UG), Medical (PG), MDS (PG). We direct, by way of an interim measure, that the fees that has been fixed for the private unaided medical colleges for MBBS (UG), BDS (UG), Medical (PG), MDS (PG) shall be realized by the University/College from the students and not even a penny more, during the pendency of this writ petition.

Let the reply be filed within a period of six weeks from today. Rejoinder affidavit, if any, be filed within fifteen days thereafter."

10. For the academic year 2019-2020, the Government of Tamil Nadu has issued a Prospectus for MBBS / BDS Courses and fixed the fee for Rajah Muthiah Medical College, Annamalai University, Chidambaram at Rs.5,54,370/- which is even higher than the fee fixed for 2018-2019. This has been challenged in the instant Writ Petition.

11. Heard the learned counsel for the parties and perused the materials available on record.

12. On a perusal of the order passed by the Hon'ble Supreme Court (quoted supra) would show that the fees must be fixed by the Committee in terms of the 1992 Act for the year 2018-2019, the Fee was fixed at Rs.5,44,370/-, which was challenged in W.P.(C)No.1361 of 2018. The Hon'ble Supreme Court has categorically observed that prima facie there was no justification for fixing the higher fees for Raja Muthaiah Medical College as compared to other private unaided medical colleges for MBBS (UG), BDS (UG), Medical (PG), MDS (PG). Therefore, the Hon'ble Supreme Court directed that the fees that has been fixed for the private unaided medical colleges for MBBS (UG), BDS (UG), Medical (PG), MDS (PG) shall be realized by the University/College from the students and not even a penny more, during the pendency of this writ petition.

13. Despite the direction, the State Government have fixed the Fee at a still higher rate of Rs.5,54,370/-.



14. On notice in this Writ Petition, Annamalai University has filed a counter. Entire counter affidavit is being reproduced hereunder;

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"2. This Respondent respectfully submits that the Government of Tamil Nadu vide letter No.4935/H1/2107 - 2, dated 24-05-2017 from the Principal Secretary to Government to the Secretary to Government of India, Ministry of Health and Family Welfare, Department of Health, mentioned in para 4 as follows :

"In this connection, I am to communicate the concurrence of Government of Tamil Nadu to change the status of Rajah Muthiah Medical College and Hospital, Annamalai Univeristy from Trust to Government (Self Financing Mode" to enable the Ministry of Health and Family Welfare, Department of Health, New Delhi to treat the said Medical College on par with other Government Medical College for all academic and administrative purposes".

Based on the letter, The Directorate General of Health Services, Government of India accepted the request of the Government and communicated to the Government of Tamil Nadu vide ref.F.No.U - 11011/02/2017 - MEC and changed the status of Rajah Muthiah Medical College as Government (Self Financing Mode). Therefore the prospectus issued by the University for admission to Medical and Dental courses mentioned as Self Financing Colleges.

3. It is submitted that the Fee Fixation Committee fixed the Fee to the 7th Respondent College from the academic years 2013 -14 to 2018-19 as per the orders of the Hon'ble Supreme Court of India in Civil Appeal No.6654 of 2018, dated 04-09-2018. The Fee Fixation Committee fixed the Fee for MBBS Course as follows :-

2013-14	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19
4,50,000	5,08,000	5,44,370	5,44,370	5,44,370	5,44,370	5,44,370

The said fixation was done based upon the audit report submitted by the University for the above said years. This Respondent University claimed the



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expenditure under the various heads like Salary and other Remuneration, Administrative Expenses, Students Expenses, payment to Statutory Bodies, etc. and the same was considered by the Fee fixation Committee and passed an order in Proc.No.Cff/Medical/RMMCH/Fees/018/2018 dated 15-09-2018.

4. It is submitted that as against the fee fixation committee order some of the students filed a Writ Petition before the Hon'ble Supreme Court by way of W.P. © No.1361 of 2018 and there was an interim order dated 10-12-2018 pending Writ Petition by directing this Respondent University to collect the fee fixed for private unaided medical college. That being so, this Respondent retained 4,00,000/- (Rupees Three Lakhs Fifty Thousand only) for MBBS Course and 2,50,000/- for BDS course, remaining amount refunded to the students only for the academic year 2018-19.

5. It is further submitted that for the current academic year is concerned 2019-20 this Respondent University adopted the fee fixed by the Fee fixation Committee, since the fee fixed by committee is eligible for 3 academic years and therefore the University issued the prospectus by mentioning the Fee for UG Medical Course as 5,44,370/- and said collection of fee is subject to outcome of the Writ Petition pending before the Hon'ble Supreme Court. It is further submitted that the W.P. © No.1361 of 2018 is posted for hearing on 08-07-2019.

6. It is submitted that this Respondent is ready to give an undertaking before this Hon'ble Court that they are ready to collect the fee a sum of Rs.4,00,000/- for MBBS courses and a sum of Rs.2,50,000/- BDS courses for the current academic year 2019-2020 on par with Private unaided medical colleges, the said collection fee is subject to outcome of the Writ Petition in W.P.(C) No. 1361 of 2018 pending before the Hon'ble Supreme Court of India, provided that each students must give an undertaking that they should pay the differential



amount, if the Supreme Court accepts the fee fixed by the Committee.

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7. It is submitted that in so far as treating the 7th Respondent college self supported college has been already dealt by the Hon'ble Supreme Court in the judgment reported in 2018 (9) SCC 171 and the Hon'ble Court passed an order that instead of fixing the fee by the Syndicate, it was directed to go before the Fee Fixation Committee. Therefore the prayer seeking for the Fee structure on par with the Government Medical and Dental Colleges is not maintainable and liable to be dismissed."

15. A perusal of the counter affidavit would show that Annamalai University has given an undertaking that they are ready to collect the fee i.e., a sum of Rs.4,00,000/- for MBBS course and a sum of Rs.2,50,000/- for BDS course for the academic year 2019-2020, on par with private unaided medical colleges, and the said collection of fee is subject to the outcome of the Writ Petition in W.P.(C).No.1361 of 2018 pending before the Hon'ble Supreme Court.

16. Clause 14 of the Prospectus issued by the Government of Tamil Nadu, for admission to MBBS / BDS Degree Courses in Tamil Nadu, Government Medical / Dental Colleges, I.R.T. Medical College, Perundurai, Erode and Govt. Seats in self financing medical / Dental Colleges affiliated to the Tamil Nadu Dr.M.G.R. Medical University & Rajah Muthiah Medical / Dental College affiliated to Annamalai University, Chidambaram, ESIC Medical College and PGIMSR, K.K.Nagar, Chennai, states that the fee structure of Rajah Muthiah Medical and Dental College, Annamalai University, Chidambaram, will be adopted as fixed by Annamalai University.

17. Mr.Abdul Saleem, learned Standing Counsel appearing on behalf of the Secretary, Selection Committee, the Director of Medical Education, DME, Chennai / 4th respondent submitted that Rajah Muthiah Medical and Dental College would issue a separate Prospectus for admission to MBBS / BDS Courses for the academic year 2019-2020 notifying the procedure for admission as well as the fee for MBBS/ BDS Courses.

18. On behalf of the Registrar, Annamalai University, Annamalai Nagar, Chidambaram / 5th respondent and Rajah Muthiah Medical College, Annamalai Nagar, Chidambaram / 7th respondent,



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Mr.Vijay Narayanan, learned Advocate General submitted that Rajah Muthiah Medical / Dental College, Annamalai Nagar, Chidhambaram, will notify in their official website that Rajah Muthiah Medical / Dental College, Annamalai Nagar, Chidhambaram, would collect the fee i.e. a sum of Rs.4,00,000/- for MBBS course and a sum of Rs.2,50,000/- for BDS course for the academic year 2019-2020, on par with private unaided medical colleges, and that the fee would be subject to outcome of the Writ Petition in W.P.(C)No.1361 of 2018 on the file of the Hon'ble Supreme Court.

19. Learned Advocate General further submitted that each student must give an undertaking that they would pay the differential fee, if the Hon'ble Supreme Court accepts the fee fixed by the Committee for the professional courses, conducted by Rajah Muthiah Medical and Dental College, Annamalai University, Chidhambaram.

20. Clause 14 of the Prospectus issued by the Government of Tamil Nadu, for admission to MBBS / BDS Degree Courses in Tamil Nadu, for Rajah Muthiah Medical and Dental College, for the academic year 2019-2020 which states that "fee structure of Rajah Muthiah Medical and Dental College, Annamalai University, Chidhambaram, will be adopted as fixed by Annamalai University, Chidhambaram, is erroneous and contrary to the orders extracted supra. Therefore, the said Clause as far as it relates to Rajah Muthiah Medical and Dental College, Annamalai University, Chidhambaram, is struck down.

21. Accordingly, the Writ Petition stands allowed. No costs. Consequently, the connected Writ Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar

sri

To

1. The Principal Secretary to Government,
Higher Education Department,
Fort St.George, Chennai - 600 009.
2. The Principal Secretary to Government,
Health & Family Welfare Department,
Fort St.George, Chennai - 600 009.



3. The Director of Medical Education,
DME, No.16, Periar EVR High Road,
Kilpauk, Chennai - 600 010.

4. The Secretary,
Selection Committee,
The Director of Medical Education,,
DME, No.16, Periar EVR High Road,
Kilpauk, Chennai - 600 010.

5. The Medical Council of India,
Rep. by its Secretary,
Sector-8, Pocket-14,
Dwaraka Phase-1,
New Delhi - 110 077.

+1 cc to Mr.K.Sathish Kumar, Advocate, S.R.No.54821

+1 cc to Mr.S.Thankasivan, Advocate, S.R.No.55035

+1 cc to Mr.Abdul Saleem, Advocate, S.R.No.55541

+1 cc to Mr.V.P.Raman, Advocate, S.R.No.55177

W.P.No.17867 of 2019 and
W.M.P.Nos.17270, 17273
& 17277 of 2019

MR(CO)
SSM(02/08/2019)
SSM(27/08/2019)