



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.09.2021

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CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.D.AUDIKESSAVU

W.P.No.7539 of 2021

- 1 Chhavi Pareek
- 2 P.Jana Sruthi Nivedha
- 3 K.Sussendra
- 4 S.Malathi
- 5 S.Priyadharshini
- 6 S.Renuga
- 7 P.Gobika
- 8 S.Nivedha
- 9 T.Gaythri
- 10 V.Kashish
- 11 B.Roshini
- 12 S.B.Sherin
- 13 G.Nethra Varsa
- 14 A.P.Garvin Ahalya
- 15 M.Saranya
- 16 S.Sruthi
- 17 V. Gokul Shree
- 18 E. Pavithra
- 19 E. Lakshika
- 20 M. Ishwarya
- 21 J. Gayathri
- 22 R. Reshmika
- 23 B. Kanishka
- 24 G. Gayathri
- 25 R.S. Shrinidhi
- 26 R. Deepika Devi
- 27 N. Harinesri
- 28 M. Abhirami
- 29 D. Janani
- 30 D. Harini
- 31 G. Sahana
- 32 M. Premlatha
- 33 S.R. Natreenai Balam
- 34 V. Suvathi



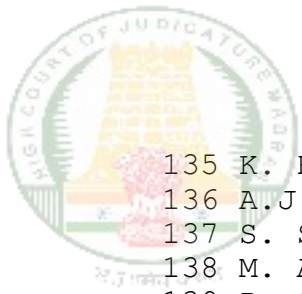
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- 35 S. Priyadharshini
- 36 S. Maha Lakshmi
- 37 E. Sriranjini
- 38 T. Thamizhkodi
- 39 A.T. Isai Aruvi
- 40 V. Sopiya
- 41 K. Yogapriya
- 42 R. Tharani
- 43 S. Monica Devi
- 44 R. Shruti
- 45 D. Keerthana
- 46 S. Anusha
- 47 R. Thilagam
- 48 M. Madhumitha
- 49 N. Praveena
- 50 G. Shreenidhi
- 51 N. Shyamala
- 52 J.K. Karnisha
- 53 Aswiya Begum
- 54 M. Kaviya
- 55 G. Akshaya
- 56 S.T. Snehashree
- 57 A. Pandi Thilagam
- 58 Huzaifa
- 59 R. Kiran Yadav
- 60 V. Vaishnavi
- 61 K. Dharshika
- 62 M. Deepika
- 63 C. Sarojini
- 64 R. Santhoshini
- 65 A.S. Amrin
- 66 C. Shreya Susan
- 67 K. Kanishkadevi
- 68 T. Aruna
- 69 T. Kivinitha
- 70 V. Shelina Jinu
- 71 A. Sneha
- 72 T.A. Banuprabha
- 73 R.G. Subhashini
- 74 K. Sridharshana
- 75 B. Samruddhi
- 76 D.N. Kousalya
- 77 S. Hemapreethi
- 78 D. Periyar Venmani
- 79 J. Gokula Srinivasan
- 80 K. Harish
- 81 N. Anantha Kumar
- 82 R. Paartha Sarathy
- 83 Amogh Deepankar Kadam
- 84 A.P. Arun Pravin



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- 85 R. Hari Prasaath
- 86 J. Shaktheedar
- 87 G. Sivasuriyan
- 88 S. Naveenkumar
- 89 Hareesh Raja
- 90 S. Vikram
- 91 R. Neeraj Milind
- 92 L.R. Yashwaant
- 93 K. Tharun
- 94 G. Akash
- 95 M. Gunavel
- 96 T. Kishore
- 97 G. Thirukkumaran
- 98 J. Sriram
- 99 C. Subash Chandran
- 100 P.R. Barath Kumar
- 101 M. Faizuddin
- 102 O. Thamodharan
- 103 A. Karthickraja
- 104 S. Narendran
- 105 V. Kasinathan
- 106 P. AnbuBrynold
- 107 S. Charanyan
- 108 A. Jeyaganeshkumar
- 109 M. Ramalingam
- 110 E. Abimanyu
- 111 V. Joe Jeffrin
- 112 K. Prabakaran
- 113 M. Pradeep Kumar
- 114 S. Sivaram Kumar
- 115 B. Thejeshwar
- 116 M. Vasanthakumar
- 117 M. Balaganesh
- 118 K. Vijay
- 119 S. Amirtharaj
- 120 P. Shiyam Chandar
- 121 R. Gurumoorthy
- 122 S. Karthikraja
- 123 S. Amaran
- 124 M. Nisithpraveen
- 125 R.V. Sivanatha Kiran
- 126 J. Revanth
- 127 R. Sudharsan
- 128 A. Arunachalesh
- 129 R. Hariharan
- 130 R.G. Abilash Gnanam
- 131 K.A. Gowsik Sailesh
- 132 M. Mubin Ahmed
- 133 Godson J Nihil
- 134 S. Saran



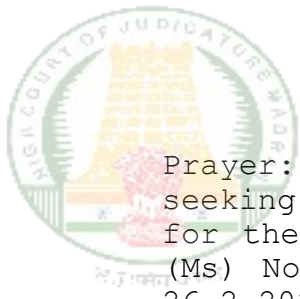
135 K. Harinidharan
136 A.J. Beslin George
137 S. Sureshkumar
138 M. Aanand
139 P. Shriman
140 V. Sarveswaran
141 R.K. Sivaraama Bose
142 P. Mukesh
143 Abdullah Ayiz
144 R. Sujay Rajhen
145 S. Sangameshwaran

..Petitioners

Vs

- 1 The Government of Tamil Nadu
Represented by its Secretary to Government
Higher Education Department
Fort St George Chennai - 600 009.
- 2 The Secretary to Government
Government of Tamil Nadu
Health and Family Welfare Department
Fort St. George Chennai - 600 009.
- 3 The Tamil Nadu Dr. MGR Medical University
Represented by its Registrar
No.69 Anna Salai Guindy
Chennai - 600 032.
- 4 The Directorate of Medical Education
162 Periyar E.V.R. High Road
Kilpauk Chennai - 600 010.
- 5 Annamalai University
Represented by its Registrar
Annamalai Nagar, Chidambaram - 608 002
Cuddalore District.
- 6 The Controller of Examinations
Annamalai University Annamalai Nagar
Chidambaram - 608 002, Cuddalore District
- 7 Rajah Muthiah Medical College and Hospital
(Now changed as Government Medical College
and Hospital, Cuddalore District)
Rep. by its Dean, Annamalai Nagar
Chidambaram - 608 002.

..Respondents



Prayer: Petition under Article 226 of the Constitution of India seeking issuance of a writ of certiorarified mandamus calling for the records of the 2nd respondent vide proceedings in G.O. (Ms) No.122 Health and Family Welfare (MCA-2) Department dated 26.2.2021 the Tuition Fee Action affixed by the 5th respondent vide proceedings in T / 2021 dated 3.3.2021 and the schedule for the MBBS Degree University Examination-March 2021 dated 9.3.2021 issued by the 6th respondent and quash the same in so far as the 1st year MBBS students are concerned and consequently direct the respondents 1 to 4 herein to complete the process of taking over of the 7th respondent college affiliation process by the 3rd respondent University and forthwith conduct the University Examinations for the 1st year MBBS degree course.

For the Petitioners : Mr.G.Arul Murugan

For the Respondents : Mr.C.Harsha Raj
Counsel for the State
for respondent Nos.1,2 and 4

: Mr.S.Wilson
for respondent No.3

Mr.K.Sathish Kumar
for respondent Nos.5, 6 & 7

ORDER

(Order of the Court was made by P.D.Audikesavalu, J.)

The petitioners, who have been admitted to the MBBS course during the academic year 2019-2020 in the college of the Seventh Respondent, have filed this Writ Petition seeking direction that the examination for their course of study shall be conducted by Tamil Nadu Dr. MGR Medical University/Third Respondent.

2. In response to the aforesaid relief claimed, the First, Second and Fourth Respondents have filed Counter-Affidavit dated 27.04.2021 in which it has been stated that the students admitted for MBBS course upto the academic year 2020-2021 would have to appear for the examinations conducted by Annamalai University/Fifth and Sixth Respondents till they obtain their degree certificate. It has been further clarified that the said students are not entitled to appear for examinations conducted by Tamil Nadu Dr. MGR Medical University/Third Respondent since the affiliation of the College of the Seventh Respondent to the Third Respondent is prospective from the academic year 2021-2022 onwards. In view of the same, it is not possible to grant the



relief claimed in the Writ Petition.

3. Learned Counsel appearing for the Petitioner referring to paragraph 2 of G.O.Ms.No.45, Health & Family Welfare (MCA-2) Department, dated 01.02.2021 wanted a clarification from the Respondents as to what would be the fee structure to be followed in respect of the students admitted prior to the academic year 2020-2021.

4. In this regard, paragraph 4 of G.O.Ms.No.45, Health & Family Welfare (MCA-2) Department, dated 01.02.2021, provides as follows:-

"4. After careful examination of the proposal of the Director of Medical Education, the Government hereby accord administrative sanction on the following:-

(a) The fees structure for the Medical (Under Graduate/ Post Graduate) / Dental / Nursing course of the institutions namely Rajah Muthiah Medical College and Hospital, Rani Meyyammal College of Nursing and Rajah Muthiah Dental College and Hospital, Chidambaram now taken over as Government institutions shall be as that of prevailing fees structure for the existing Government Medical / Dental / Nursing colleges as detailed below:-

Sl. No.	Courses	Fees per Annum (in Rs.)
1	M.B.B.S.	Tuition Fee : 4,000/- Special Fee : 950/- (including Medical Exam) Caution Deposit : 1,000/- Library Fee : 1,000/- University Fee : 6,060/- LIC (Group Insurance) : 300/- Red Cross : 100/- Miscellaneous Fee : 100/- Flag Day : 100/- Total : 13,610/-
2	B.D.S.	Tuition Fee : 2,000/- Special Fee : 950/- (including Medical Exam) Caution Deposit : 1,000/- Library Fee : 1,000/-



		University Fee : 6,060/-
		LIC (Group Insurance) : 300/-
		Red Cross : 100/-
		Miscellaneous Fee : 100/-
		Flag Day : 100/-
		Total : 11,610/-
3	Post Graduate (M.D., M.S. and M.D.S.)	Tuition Fee : 30,000/-
4	Post Graduate Diploma	Tuition Fee : 20,000/-
5	B.Sc.(Nursing), Bachelor of Physiotherapy (BPT) and Bachelor of Occupational Therapy (B.O.T.)	Tuition Fee : 3,000/-
6	M.Sc. (Nursing)	Tuition Fee : 5,000/-
7	Master of Physiotherapy (M.P.T.)	Orders will be issued latter.

(b) The fees structure above will be given prospective effect from the date of taking over of the said Colleges as Government institutions/colleges as per the Government Order referred above. The earlier existing fees prior to taking over, already paid by the students will not be refunded or adjusted against future payments. The benefit of Government fee structure as fixed from time to time will be extended to currently studying and forthcoming students."

It has been further stated that subsequently another G.O.(Ms) No.122 Health and Family Welfare (MCA2) Department dated 26.02.2021 has been issued, in which it has been provided as follows:-

"(c) Any earlier unpaid fees will be charged as per the earlier structure prior to issue of the Government Order and the present Government Order is prospective in nature."



The aforesaid submissions made are placed on record.

5. Nothing remains for further consideration in this Writ Petition.

6. In the result, W.P.No.7539 of 2021 is disposed of. W.M.P.Nos.8066, 8068 and 8070 of 2021 are closed. There will be no order as to costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

bbr

To:

1. The Secretary to Government
Government of Tamil Nadu
Higher Education Department
Fort St George
Chennai - 600 009.
2. The Secretary to Government
Government of Tamil Nadu
Health and Family Welfare Department
Fort St. George
Chennai - 600 009.
3. The Tamil Nadu Dr. MGR Medical University
Represented by its Registrar
No.69 Anna Salai Guindy
Chennai - 600 032.
4. The Directorate of Medical Education
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Cuddalore District.



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