

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Date: 03.03.2021

CORAM

THE HON'BLE MR. JUSTICE B.PUGALENDHI

Writ Petition No.18314 of 2020

S.Muthusundaram

...Petitioner

Vs.

1.The Registrar,  
Pondicherry Institute of Medical Sciences,  
Kalathumettupathai, Kalapet,  
Puducherry - 605 014.

2.The Director,  
Department of Health and Family Welfare  
Services (DHFWS),  
Victor Samuel Street,  
Puducherry - 605 001.

...Respondents

Writ Petition filed under Article 226 of Constitution of India, for issuance of writ of mandamus directing the first respondent to refund the Annual Fees of Rs.83,50,000/- and Annual hostel fees of Rs.3,35,000/- which were collected from the petitioner's son during the entire period from May,2017 to December, 2019 together with reasonable interest and to return all the original certificates and other documents of Mr.M.Arun Sundaram (Late) which were deposited with the first respondent at the time of his admission to the P.G.Medical MS-Surgery Course in May, 2017.

For Petitioner : Mr.V.B.R.Menon

For Respondents: Mr.Abishek Jenasenan, SC (for R.1)  
Mr.D.Ravichander, GA (for R.2)

ORDER

The petitioner is the father of late M.Arun Sundaram, who was admitted to the PG Medical MS/General Surgery Course by the first respondent medical Board College in May, 2017. Unfortunately, the son of the petitioner M.Arun Sundaram died due to liver cancer on 06.05.2020 before writing his final course examinations. In the mean time a Writ Petition was filed

in W.P.Nos.1284 and 1287 of 2018, this Court by order dated 07.10.2020 declared that all the admissions made in the first respondent medical college to be illegal and the admission of the petitioner's son is also covered by that order. Knowing that the first respondent is not having sufficient affiliation for admission, they admitted the petitioner's son and also collected fee around Rs.83,50,000/- as annual fees and Rs.3,35,000/- as hostel fees for the three year PG Medical Degree course. The petitioner had already spent a huge amount of money for the treatment of his son as against cancer and therefore he filed this writ petition for a mandamus directing the first respondent to refund the annual fees and the hostel fees collected from the petitioner's son.

2. Mr.Abhisek Jenasenan, the learned Standing counsel for the first respondent considering the case of the petitioner has also advised the first respondent to return the differential amount which they have collected more than amount prescribed by the Fee Regulation Committee.

3.The learned counsel for the petitioner submits that as against the orders of this Court in W.P.Nos.1284 and 1287 of 2018, the first respondent has preferred a Writ Appeal and the same is yet to be taken up for hearing and therefore, he would submit that this petitioner cannot make out a case for refund of amount. However, considering the fact that the petitioner has suffered a huge expenses for the treatment of his son, he advised the first respondent to refund the differential amount which they have collected more than the fees prescribed by the Fee Regulation Committee.

4.The deceased M.Arun Sundaram has married one of the student who also pursued PG along with him in the year 2018 but the same was dissolved on 11.01.2020. One K.M.Indira, the then wife of deceased has also filed an affidavit to that effect that marriage itself was dissolved and she is not having any claim over these amounts and expressed her no objection to the return of his certificates and the amounts collected from him to this petitioner, the father of M.Arun Sundaram.

5.The other legal heir Mrs.M.Santhi, the wife of the petitioner and mother of M.Arun Sundaram has also filed an affidavit to that effect that she is not having any objection to return her son's certificates and the amount to the petitioner.

6.Recording the affidavits filed by Ms.K.M.Indira, D/o. Kumarappan and Mrs.Santhi W/o Muthusundaram, this Court dispose of this Writ Petition with a direction to the first respondent to return the certificates, if any, of M.Arun Sundaram, with the first respondent college and shall also refund the differential

amount which they have collected more than fee prescribed by the Fee Regulation Committee within a period of four weeks from the date of receipt of copy of this order. No costs.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

mrm

To

1.The Registrar,  
Pondicherry Institute of Medical Sciences,  
Kalathumettupathai, Kalapet,  
Puducherry - 605 014.

2.The Director,  
Department of Health and Family Welfare  
Services (DHFWS),  
Victor Samuel Street,  
Puducherry - 605 001.

+2cc to Mr.Abshek Jenasenan, Advocate Sr.13674

W.P.No.18314 of 2020

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srg 19/03/2021

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