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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.02.2022

CORAM

THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P.Nos.2439, 2441, 2443 & 2445 of 2022

K.Meera	... Petitioner in WP.2439/2022
R.Srinithi	... Petitioner in WP.2441/2022
M.N.Bharanidharan	... Petitioner in WP.2443/2022
K.Suvetha	... Petitioner in WP.2445/2022

Vs

1.The Principal Secretary,
Health & Family Welfare Department,
Secretariat, Chennai-600 009.

2.The Principal Secretary,
Higher Education Department,
Secretariat, Chennai-600 009.

3.The Director of Medical Education,
No.162, EVR Periyar High Road,
Kilpauk, Chennai-600 010.

4.The Registrar,
Annamalai University,
Annamalai Nagar, Chidambaram,
Cuddalore District.

... Respondents in all WPs

Common Prayer: Writ Petitions filed under Article 226 of the Constitution of India, to issue a Writ or order of direction or any other Writ in the nature Writ of Mandamus, directing the 4th respondent to consider the petitioners representation dated 19.01.2022 to permit them to pay fees in accordance with the Fees Structure fixed in G.O.Ms.No.45, Health and Family Welfare (MCA-2) Department, dated 01.02.2021.

(In all WPs)

For Petitioner : Mr.P.Chinnadurai

For Respondents: Mr.C.Jayaprakash (for R1 to R3)
Government Advocate

Mr.K.Sathish Kumar (for R4)



COMMON ORDER

The petitioners seek a mandamus directing the fourth respondent i.e. the Registrar, Annamalai University to permit them to pay fees in accordance with the Fees Structure fixed under G.O.Ms.No.45, Health and Family Welfare (MCA-2) Department, dated 01.02.2021.

2.Mr.K.Sathish Kumar, learned counsel, who has entered appearance for R4/the contesting respondent has filed a compilation dated 21.02.2022 and brings to my notice that while G.O.Ms.No.45, does provide for the benefit sought for by the petitioner, it is not absolute that restricted by virtue of G.O.Ms.No.204, dated 26.10.2021.

3.In terms of paragraph 3 of the earlier Government Order, the fees for Medical and Dental programs had been fixed on par with the fees for Government colleges and the petitioner who had been admitted to the BDS course from 2018-19 to 2020-21. had remitted an amount of Rs.2,50,000/- per annum for the entire duration of their study.

4.G.O.Ms.No.204, however, replicated the application thereof, stating at paragraph 4 clause 4(b), which reads below, that the party will be available only for those batches who enroll from academic year 2021-2022 onwards.

'.....

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.'

5.Mr.Sathish would also bring to my notice that the above specific grievance has been expressed only by the petitioners before me, and out of 93 students, 88 students have already paid fees in full. The mandamus as sought for, thus cannot be granted and these writ petitions are dismissed. Learned counsel for the petitioners would seek leave to challenge the aforesaid G.O.s and is at liberty to do so, in accordance with law. No costs.

Sd/-

Assistant Registrar(CS-III)

//True copy//

Sub Assistant Registrar



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+4ccs to Mr.P.Chinnadurai, Advocate SR.No.11410,11411,11412,11413

+1cc to Special Government Pleader SR.No.12039

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SKM(CO)
GMY(05/04/2022)