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W.M.P.No.24948 of 2022

in

W.P.No.25871 of 2022

R.SUBRAMANIAN, J.

Challenge in the Writ Petition is to the Government Order dated 26.10.2021, which refixes the fee payable by the students admitted to Raja Muthiah Medical College and Hospital, Rani Meyyammal College of Nursing and Rajah Muthiah Dental College and Hospital attached to Annamalai University.

2.The issue relating to fees payable by the students who were admitted under the Government quota to these colleges was subject matter of a proceeding before the Hon'ble Surpeme Court and the Hon'ble Supreme Court by its order dated 06.11.2020, issued directions to the Government to fix the fee and the students who were also given the liberty to challenge the fee that was fixed. However, the Government subsequently, on 01.02.2021 passed a Government Order, fixing the fee for these three colleges on par with the fee charged by Government Colleges. This was done by the Health Department after the disposal of the petitions before the Hon'ble Supreme



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Court. The decision to make it applicable only on a prospective basis was subject matter of proceedings before this Court and a Hon'ble Division Bench of this Court upheld the decision in W.P.No.7539 of 2021. By the impugned Government Order, the Government has increased the fees payable as follows:-

“(i) For students who were admitted to MBBS during the year 2016-17 and who are undergoing Compulsory Rotatory Residential internship (CRRI) (during 2020=21), the fees is fixed as Rs.5,44,370/- (per annum) (as per fee fixation committee fees) for their first and second year of study i.e. Academic year 2016-17 and 2017-18 and Rs.4,00,000/- (per annum) (on par with self-financing college fees) for their third, fourth and fifth year of study (academic years 2018-19 to 2020-21).

(ii) For students who were admitted to MBBS during the year 2017-18 and who were studying in the 4th year (during 2020-21), the fees is fixed as Rs.5,44,370/- (per annum) (as per fee fixation committee fees) for their first year of study i.e. Academic year 2017-18 and Rs.4,00,000/- (per annum) (on par with self-financing college fees) for their second to fifth year of study (academic years 2018-19 to 2021-2022)



(iii) *For students who were admitted to MBBS during the years 2018-19 to 2020-21 the fees is fixed as Rs.4,00,000/- (per annum) (on par with self-financing college fees) for the entire duration of their study.*

(iv) *For students who were admitted to BDS during the year 2017-18 and who were studying in 4th year (during 2020-21), the fees is fixed as Rs.3,45,000/- (per annum) (as per fee fixation committee fees) for their first year of study i.e.academic year 2017-18 and Rs.2,50,000/- (per annum) (on par with self-financing college fees) for their second to fourth year of study (academic years 2018-19 to 2020-21).*

(v) *For students who were admitted to BDS during the years 2018-19 to 2020-21, the fees is fixed as Rs.2,50,000/- (per annum) (on par with self-financing college fees) for the entire duration of their study.*

(vi) *For students who were admitted to MD/MS during the years 2018-19 to 2020-2021, the fees is fixed as Rs.3,00,000/-(per annum) (on par with self-financing college fees) for the entire duration of their study.*

(vii) *For students who were admitted to PG Diploma in medicine during the year 2020-2021, the fees is fixed as Rs.2,50,000/- (per annum) (on par with self-financing college fees) for the entire duration of their study.*

(viii) *For students who were admitted to MDS during*



the years 2018-19 to 2020-2021, the fees is fixed as Rs.3,00,000/- (per annum) (on par with self-financing college fees) for the entire duration of their study.”

3.The petitioners are aggrieved by the fixation made in Clause III & V above, since they were admitted to Academic Year MBBS 2020-2021. Clause III & V reads as follows:-

“(iii) For students who were admitted to MBBS during the years 2018-19 to 2020-21 the fees is fixed as Rs.4,00,000/- (per annum) (on par with self-financing college fees) for the entire duration of their study.

(v) For students who were admitted to BDS during the years 2018-19 to 2020-21, the fees is fixed as Rs.2,50,000/- (per annum) (on par with self-financing college fees) for the entire duration of their study.”

4.It is not in dispute that these institutions have become Government Colleges since they have been taken over by way of enactment. Therefore, fixing of a higher fee for the students, who are allotted under the Government quota saying these Colleges as Government Colleges cannot be justified.



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5.Mr.D.Ravichandran, learned Special Government Pleader would however, point out that there is a delay in challenging the Government Order. Though the Government Order passed on 26.10.2021 only when it pinches the purse of the petitioners, the petitioners will wake up. They are all students, who were pursuing the Medical education, it is only now brought notice to each and every individual students. Hence, there will be an order of interim stay of notice issued by the College on 25.08.2022 until further orders. The petitioners will continue to pay the fee fixed by the G.O.Ms.No.45 dated 01.02.2021.

6.Notice to the respondents returnable by four weeks.

23.09.2022

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