



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.03.2022

CORAM

THE HONOURABLE Mr.JUSTICE V.BHARATHIDASAN

W.P.No.19667 of 2017

1. M. Kalimuthu
2. Sivapriya
3. A. Sasikumar
4. V. Murugan
5. A. Selvaraj
6. V. Saravanan
7. R. Sargunam

...Petitioners

Vs.

1. The Registrar,
The Tamil Nadu Dr. Ambedkar Law University,
"Poompozhi"- Dr.D.G.S.Dinakaran Salai,
Chennai 600 028.
2. The Director,
The Scheduled Caste & Scheduled Tribe
Welfare Department,
Ezhilagam, Chennai 600 005.
3. The Secretary,
The Scheduled Caste & Scheduled Tribe
Welfare Department,
Government of Tamil Nadu,
Fort St. George ,
Chennai 600 009
4. The State of Tamil Nadu,
rep. by its Secretary,
Law Department,
Government of Tamil Nadu,
Fort St. George,
Chennai 600 009

...Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Mandamus directing the respondents herein to forthwith implement the direction given in



the circular issued by the 2nd respondent bearing circular No.13724/Adi.Na.3/2014-1 dated 09.02.2015 and thereby refunding the admissions fee collected by the 1st respondent paid by the petitioners for pursuing their respective courses in LLM Post Graduate Degree for the academic year 2015-2016, 2016-2017 conducted by the Tamil Nadu Dr. Ambedkar Law University (School of Excellence), Taramani Campus, Chennai.

For Petitioner : Mr.Sharukumar.S.I.,
For Respondents : Mr.J.Saravanel, for R1
: Mr. P. Balathandayutham,
Spl. G.P., for R2 to R4

O R D E R

This writ petition has been filed seeking a direction to the respondents to implement the circular issued by the 2nd respondent dated 09.02.2015 and refund the admission fees collected by the first respondent/ Tamil Nadu Dr. Ambedkar Law University.

2. According to the petitioners, all of them completed post graduate in L.L.M. course and completed their respective Courses in the year 2017. According to them, as per the Government Order in Go.Ms.No.722, Social Welfare Department, dated 13.10.1977, tuition fees for all the students, belonging to the Schedule Caste and Schedule Tribe and converts there from, be granted tuition fees concession regardless of the income limit of their parents with effect from the academic year, 1977-1978 for the Postmatric courses beyond Pre University Courses. Subsequently, in the year 2015, the Government has also issued a circular to all the colleges not to collect any tuition fees for the above mentioned students. In view of the above Government Order and the subsequent circular issued by the State Government, the petitioners are not required to pay the tuition fees. Despite the same, the first respondent university collected tuition fees. Hence, seeking a direction to refund the tuition fees from the first respondent, the present writ petition has been filed.

3.The first respondent filed a counter affidavit stating that as per G.O.Ms.No.722 Social Welfare Department, dated 13.10.1977, tuition fees for the students belonging to the Scheduled Caste/ Scheduled Tribe and converted Christian pursuing Pre-University Course level, the Government has granted tuition fees concession regardless of the income limit of their parents from the academic year 1977. So far as the law course is concerned, they are all coming under the Directorate of Legal Studies and hence, they are not coming under the above said



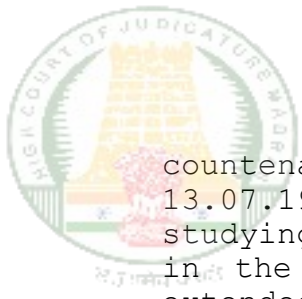
Government Order. Based on the said Government Order, dated 13.10.1977, the proposal for compensating tuition fees exemption has been received through the Directorate of College Education and they have also compensated the fees. Subsequently, based on the proposal sent by the Department, the Government has issued an order in G.O.Ms.No.19, Adhi Dravidar and Tribal Welfare Department, dated 11.02.2020, for fee concession to the Tamilnadu Ambedkar Law university for pursuing post graduate level courses from the academic year 2019-2020 and hence, the petitioners are not entitled for refund of tuition fees paid by them.

4. The learned counsel for the petitioners submitted that as per Government Order, dated 13.10.1977, exemption is given to all the Courses beyond Postmatric courses, and beyond Pre University Courses, which includes the law courses conducted by the Dr. Ambedkar Law University. In those circumstances, the Government Order dated 13.10.1977 is applicable to all the students studying in both UG and PG courses in the above university and the respondent cannot discriminate the students studying in the law college.

5. The learned counsel appearing for the respondents submitted that the Government order dated 13.10.1977, was specifically issued for the students studying in the Government Colleges other than the law courses. So far as the law courses are concerned, a separate GO has been issued in GO Ms.No.73 Adi Dravidar & Welfare Department, dated 14.06.2007, thereby permitting the law university to reimburse the tuition fees paid by the students studying U.G. Degree courses belonging to Scheduled Caste/Scheduled Tribes/Scheduled Caste convert categories with effect from the academic year of 2006-2007. Subsequently, in the year 2020, another Government Order in G.O.Ms No.19, Adi Dravidar and Tribal Welfare Department dated 11.02.2020 has been issued extending the benefit to the Post Graduate students also from the year 2019-2020. Hence, the petitioners are not entitled to get refund of the tuition fees, since the petitioners are studying from the academic year 2015-2016.

6. I have considered the submissions made on either side and perused the materials available on records carefully.

7. The primordial contention of the learned counsel for the petitioners is that Government G.O.Ms. No.722 providing tuition fees concession to all the students belonging to the Scheduled Caste, Scheduled Tribe and who were converted therefrom to Christianity to all the Postmatric courses beyond Pre University Courses, which includes the law course. Hence, under the said Government order, the petitioners are also entitled to get the refund of tuition fees. The above contention cannot be



countenanced for the simple reason that, G.O.Ms.No.722, dated 13.07.1977, has been issued only in respect of the students studying in the Arts and Science in the Government Colleges and in the Government Aided Colleges and that benefit was only extended to them. Only in the year 2007, the tuition fees waiver was given to the students studying in the under graduate courses at Dr. Ambedkar Law University as per G.O.Ms.No.73, Adi Dravidar and Tribal Welfare Department, dated 14.06.2007 and that was extended to the Post Graduate students in G.O. Ms.No.19 Adi Dravidar and Tribal Welfare Department, dated 11.02.2020 from the academic year 2019-2020.

8. In the above circumstances, the petitioners cannot claim fees waiver relying upon the Government order, dated 13.10.1977 and subsequent circular issued in the year 2015. Hence, the prayer sought by the petitioners cannot be granted and this Court finds no merit in the writ petition and the same is liable to be dismissed.

9. Accordingly, this writ petition is dismissed. No costs.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

mrp

To

1. The Registrar,
The Tamil Nadu Dr. Ambedkar Law University,
"Poompozhi"- Dr.D.G.S.Dinakaran Salai,
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2. The Director,
The Scheduled Caste & Scheduled Tribe
Welfare Department,
Ezhilagam,
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3. The Secretary,
The Scheduled Caste & Scheduled Tribe
Welfare Department,
Government of Tamil Nadu,
Fort St. George ,
Chennai 600 009



4. The Secretary,
Law Department,
Government of Tamil Nadu,
Fort St. George,
Chennai 600 009

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+1cc to M/s.J.Saravanel, Advocate, S.R.No.21110

+1cc to the Government Pleader, S.R.No.21380

W.P.No.19667 of 2017

RK(CO)
RGA(20/05/2022)