



W.P(MD)No.17181 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.12.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.17181 of 2019

and

W.M.P.(MD)No.13696 of 2019

S.Velusamy

... Petitioner

Vs.

1.The Registrar,
Tamil Nadu Dr. M.G.R. Medical University,
Guindy, Chennai.

2.The Principal,
A.T.S.V.S. Siddha Medical College and Hospital,
Munchirai, Puthukadai Post,
Kanyakumari District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order of the 2nd Respondent made in No. Nil dated 19-03-2019 and quash the same as illegal and consequently direct the 2nd Respondent to return the fees amount of Rs.2,00,000/- paid for the petitioner's son V.Subash.



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For Petitioner : Mr.M.Jagadeesh Pandian

For Respondents : Mr.S.Ramesh for R1.
Mr.G.Mohan Kumar for R2.

ORDER

Heard the learned counsel on either side.

2.The petitioner's son secured admission in Sidhha course in the second respondent college under Government quota. Earlier he had reserved a seat under the management quota. The petitioner's son got a seat in a Government Sidhha College in the second round of counselling. Therefore, he had to discontinue his studies in the second respondent college. The petitioner now wants the fee paid by him for the first year back. The specific stand of the petitioner is that the seat vacated by his son was subsequently filled up.

3.The learned counsel for the college would argue that the demand made by the petitioner runs counter to the terms of prospectus. The prospectus clearly reads that a discontinued student is not entitled to refund of the fee already paid by him. I would have definitely sustained the stand of the college, if as a results of the petitioner's son's leaving the institution, the seat had fallen



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vacant. In that event, the college would have suffered loss and therefore, the student would not be entitled to demand refund. In this case, the seat had been filled up. Therefore, the college is not justified in retaining the fee paid by the petitioner herein.

4.In this view of the matter, the second respondent is directed to return the fee paid by the petitioner towards his son's first year course. This shall be done within a period of eight weeks from the date of receipt of a copy of this order. I make it clear that the refund will not carry any interest.

5.The writ petition is allowed accordingly. No costs. Consequently, connected miscellaneous petition is closed.

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Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

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