



W.P.No.30199 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.04.2023

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.No.30199 of 2019
and
W.M.P.Nos.30170 & 30172 of 2019

V.Indra

... Petitioner

Vs

1.The Tamil Nadu Dr.MGR Medical University,
rep.by its Registrar,
Guindy, Chennai – 600 032.

2.The Principal,
Sree Mookambigai Dental College,
Kulasekaram,
Kanyakumari District.

3.The Principal,
Ragas Dental College & Hospital,
2/102, East Coast Road,
Uthandi, Chennai – 119.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India
praying for the issuance of a Writ of Certiorarified Mandamus, to call for



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the records of the 1st respondent culminating in Ref.No.AC II (1) 02994/2019 dated 04.10.2019, quash the same and further direct the 1st respondent not to insist the petitioner to remit the sum of Rs.12,98,000/- towards the fee for condonation of break up study form 2008 onwards and permit the petitioner to complete the BDS course.

For Petitioner : Mr.K.Balakrishnan
For Respondents : Mr.S.Wilson
for Mr.D.Ravichandran
Special Government Pleader [R1]
: No appearance [R2 & R3]

ORDER

This writ petition has been filed seeking to quash the proceedings of the first respondent dated 04.10.2019 and further, to direct the first respondent not to insist the petitioner to remit the sum of Rs.12,98,000/- towards the fee for condonation of break up study form 2008 onwards and instead, permit the petitioner to complete the BDS course.

2. Though the respondents 2 and 3 have been served, they have not entered appearance either in person or through counsel.



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3. The facts leading to filing of the writ petition are as hereunder:

(i) The petitioner joined BDS degree course in the second respondent college during 2001-2002. She was not permitted to write the theory exams in January 2005 when she was in the third year. Further, she was directed to redo the third year BDS course. Challenging the same, the petitioner earlier filed W.P.No.1905 of 2005, in which, this Court granted an interim direction on 31.01.2005 permitting the petitioner to write the examination subject to result of this writ petition.

(ii) W.P.No.1905 of 2005 was allowed by order dated 23.08.2006 directing the respondents to publish results of the third year examinations. On publishing results, the petitioner came to know that she failed in two subjects. The petitioner made several allegations against a professor for awarding lesser marks. Further, the petitioner filed another writ petition in W.P.No.47191 of 2006 seeking revaluation of the answer paper 'General Surgery'. Ultimately, W.P.No.47191 of 2006 came to be dismissed by order dated 05.09.2018.



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(iii) As against the dismissal of W.P.No.47191 of 2006, the petitioner filed W.A.No.2712 of 2018. During the pendency of the said writ appeal, the petitioner sent a representation dated 14.01.2019 to the first respondent seeking to condone the break up study period from August 2008. Further, the said writ appeal was dismissed by a Division Bench of this Court, by judgment dated 23.04.2019 leaving it open to the petitioner to pursue her remedies before the first respondent for obtaining condonation order.

(iv) Thereafter, in reply to her representation dated 14.01.2019, the first respondent sent a communication dated 03.09.2019 instructing the petitioner to remit a sum of Rs.12,98,000/- towards fee for issuance of condonation of break up study from 30.08.2008 to till date through online payment. On receipt of the said communication, the petitioner sent another representation dated 09.09.2019 to the first respondent seeking to waive the total fee of Rs.12,98,000/- and it was also negatived by the first respondent by the impugned order dated 04.10.2019 reiterating their stand in the earlier order dated 03.09.2019. Hence, the above writ petition.



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4. The learned counsel for the petitioner submits that the condonation fees was revised in the year 2017. Prior to that, the condonation fees was a sum of Rs.3,000/- plus processing fee and the petitioner has to pay only a sum of Rs.3,000/- per year from the year 2008 onwards till 2017 and thereafter, the petitioner has to pay a sum of Rs.1,00,000/- from 2017 to till date. Further, he submits that the petitioner is ready to pay the said amount for the above said period. Accordingly, he prays for appropriate orders.

5. The learned counsel appearing for the first respondent-University submits that, there is no fixed period for completion of BDS degree course like M.B.B.S. Course and the condonation in break of study is permissible subject to the payment of condonation fees. However, as per the letter dated 10.05.2017, the condonation fees was revised in the year 2017, accordingly, the first respondent has passed the impugned memorandum, dated 04.10.2019 directing the petitioner to pay a sum of Rs.12,98,000/-, which is perfectly in order and the same cannot be interfered.



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6. Heard the learned counsel for the petitioner and the learned counsel appearing for the first respondent and perused the materials available on record.

7. As per letter dated 10.05.2017, the fee for condonation of break of study was revised, which reads as follows :-

Courses		Existing Fees in Rs.	Revised Fee
<u>Medical/</u> <u>Dental</u> AYUSH/ AHS	1) Upto 6 months	No fee*	No fee*
	2) 6 Months to 1 year	Processing Fee (Rs.) 2,100/-	2100/-
		Condonation fee for 6 Months & 1 year 3,000/-	<u>Medical/Dental</u> 25,000/- <u>AYUSH/AHS</u> Rs.15,000/-
	3) More than a year	Processing Fee (Rs.) 2,100/-	2100/-
		Condonation fee More than a year 3,000/- per year	<u>Medical/Dental</u> Rs.1,00,000/- every year <u>AYUSH/ AHS</u> 50,000/- every year



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8. A perusal of the above fees structure reveals that, the fee for condonation for more than a year is Rs.3,000/- per year plus the processing fee, upto the year 2017 and after 2017, condonation fee was increased from Rs.3,000/- to Rs.1,00,000/- per year. Hence, the first respondent is directed to calculate the fresh fee for condonation as per the previous fees structure prior to 2017 i.e., Rs.3,000/- per year from the year 2008 to 2017 and after 2017, the first respondent is directed to calculate a sum of Rs.1,00,000/- per year, till 2023 and pass revised orders in terms of the letter dated 10.05.2017, within a period of twelve (12) weeks from the date of receipt of a copy of this order.

9. With the above directions, the writ petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

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Index : Yes (or) No
Speaking order (or) Non-speaking order
Neutral Citation : Yes (or) No
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M.DHANDAPANI,J.,

sp

To

The Registrar,
Tamil Nadu Dr.MGR Medical University,
Guindy, Chennai – 600 032.

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and

W.M.P.Nos.30170 & 30172 of 2019

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