



W.P.No.20269 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.08.2024

CORAM:

THE HON'BLE Mr.JUSTICE M.DHANDAPANI

W.P.No.20269 of 2024
and
W.M.P.No.23073 of 2024
and W.M.P.No.22184 of 2024

J.Prem Prasath

... Petitioner

Vs.

1. The Chairman
Chettinad Academy of Research and Education (CARE),
(Deemed to be University)
Rajiv Gandhi Salai, Padur,
Kelambakkam,
Kancheepuram District-603 103.
2. The Vice Chancellor,
Chettinad Academy of Research and Education (CARE),
(Deemed to be University)
Rajiv Gandhi Salai, Padur,
Kelambakkam,
Kancheepuram District-603 103.
3. The Registrar,
Chettinad Academy of Research and Education (CARE),
(Deemed to be University)
Rajiv Gandhi Salai, Padur,



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Kelambakkam,
Kancheepuram District-603 103.

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4. The Dean,
Chettinad Academy of Research and Education (CARE),
(Deemed to be University)
Rajiv Gandhi Salai, Padur,
Kelambakkam,
Kancheepuram District-603 103.

5. The Vice Principal,
Chettinad Academy of Research and Education (CARE),
(Deemed to be University)
Rajiv Gandhi Salai, Padur,
Kelambakkam,
Kancheepuram District-603 103.

6. Dean Secretary,
Chettinad Academy of Research and Education (CARE),
(Deemed to be University)
Rajiv Gandhi Salai, Padur,
Kelambakkam,
Kancheepuram District-603 103.

... Respondents

Prayer: This Writ petition has been filed under Article 226 of the Constitution of India, praying to issue Writ of Mandamus to direct the respondents to issue the certificates, provisional and all the Mark Statements of the petitioner and permit the petitioner to continue the Compulsory Rotating Medical Internship wide CRMI Number 2018/096 along with his batch with the stipend for his posting as stipulated by the respondents without insisting the penal fee in the name of miscellaneous fee.



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For Petitioner : Mr.R.Suresh Kumar

For Respondents : Mr.M.S.Krishnan
for M/s.T.Balaji for R1 to R6

ORDER

This Writ Petition is filed by the petitioner seeking for direction to the respondents to issue the certificates, provisional and all the Mark Statements of the petitioner and permit the petitioner to continue the Compulsory Rotating Medical Internship wide CRMI Number 2018/096 along with his batch with the stipend for his posting as stipulated by the respondents without insisting the penal fee in the name of miscellaneous fee.

2. The brief facts of the case as per the Writ Petition are that the petitioner joined in the MBBS course in the academic year 2016-17 batch in the respondent university. As per the norms of the respondent university, the petitioner has to pay Rs.75 lakhs totally as tuition fees within the stipulated time, however the petitioner made the payment of tuition fees with multiple delays, due to which the respondent have taken the delays as a break in study and imposed Rs.10,00,000/- as penalty for making the payment of tuition fees belatedly. The petitioner could not



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able to comply the demand made by the respondent university and from April 2024, the respondents have not permitted the petitioner to continue the internship and also withheld the academic mark certificates, provisional certificates and no due certificates. The petitioner made a representation to all the respondents on 29.06.2024, but there was no reply, hence the petitioner has preferred this Writ Petition seeking for suitable relief.

3. Learned counsel for the petitioner has submitted that for some academic period, there was a delayed payment of fees and the respondent university has taken the above delays as a break in the study and without any notice imposed a penalty of Rs.10,00,000/- which is legally unsustainable. It is further submitted that if the petitioner is not permitted to continue the compulsory rotary internship along with his batch, it will have an adverse impact on the petitioner's career. Hence prays for suitable relief.

4. Learned senior counsel for the respondents contended that as per the prospectus of the university, the duration of the course i.e., 4 ½ years and anything over and above what is agreed in the prospectus is due



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to be charged by the University. Since the petitioner had multiple breaks as he was not regular to the classes owing to his inability to pay the academic fees and various other personal reasons, as mandated by the university required to repeat petitioner's classes for which petitioner is due and outstanding to the university by a sum of Rs.10,00,000/-. The petitioner is bound to honour the prospectus which is a binding contract on the parties and as per the same, the petitioner is duty bound to pay the expenses incurred by the university to impact special class/extra classes. Learned senior counsel further submitted that on 02.05.2024, the petitioner physically assaulted the college authorities and for the unpleasant incident, petitioner was placed under suspension for a period of one year for misbehaving inside the institution campus. Hence, learned counsel for the respondent raised strong objection and prays for dismissal of the Writ Petition.

5. Heard both sides and perused the records.

6. Considering the facts and circumstances of this case, the submissions made by respective counsel on either side and in consideration of the student's future career prospects, this Court is



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inclined to reduce the suspension period of the petitioner from one year to four months. As already three months are over from the date of punishment, the period remaining is one month. Accordingly, after completion of the four months period, the petitioner is directed to pay a sum of Rs.8,00,000/- to the respondent University. Such payment shall be made within a period of four weeks from the date of receipt of copy of this order. On such payment, the university is directed to allow the petitioner to continue his internship and return the original certificates to the petitioner.

7. Accordingly, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

30.08.2024

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Index: Yes/No

Internet: Yes/No

Neutral Citation: Yes/No

To

1. The Chairman

Chettinad Academy of Research and Education (CARE),
(Deemed to be University)
Rajiv Gandhi Salai, Padur,



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M.DHANDAPANI J.
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