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W.P.No.20270 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.20270 of 2024
and W.M.P.No.22183 of 2024
and W.M.P.No.22183 of 2024

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... 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,
Kelambakkam,



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Kancheepuram District-603 103.

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 2018/133 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.

For Petitioner : Mr.R.Suresh Kumar



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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 2018/133 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.32,00,000/- 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.32,00,000/- 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.32,00,000/-. 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. Hence, 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 on consideration of the students' future career prospects, this Court is inclined to issue direction to the petitioner to pay a sum of Rs.10,00,000/- to the respondent University within a period of four weeks from the date of receipt of copy of this order and on such payment, the university is directed to allow the petitioner to continue his internship and issue the necessary certificates to the petitioner.



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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

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M.DHANDAPANI J.

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