



W.P(MD)No.7638 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.06.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.7638 of 2024

K.Jiyavudeen

... Petitioner

Vs.

- 1.The Secretary,
Ministry of Higher Education Department,
Fort St.George,
Chennai-600 009.
- 2.The District Collector,
Nagercoil,
Kanyakumari District.
- 3.The Registrar,
Tamil Nadu Dr.MGR Medical University,
No.69, Anna Salai,
Guindy, Chennai-600 032.
- 4.The Chairman/Dr.Leela Bai Rajendran,
White Memorial Homeo Medical College & Hospital,
Attoor, Yettacode Village,
Veeyannoor Post-629 177,
Kanyakumari District.
- 5.The Principal,
White Memorial Homeo Medical College & Hospital,
Attoor, Yettacode Village,
Veeyannoor Post-629 177,
Kanyakumari District.



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6.The Manager,
Indian Overseas Bank,
Sakkarakottai,
Ramanathapuram Taluk & District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the 2nd and 3rd respondents to direct the 4th and 5th respondents to return back the petitioner's deposited and paid amounts of Rs.6,38,000/- to him based on his representations dated 07.08.2023, 22.01.2024 and 19.03.2024 within a time limit that may be stipulated by this Court.

For Petitioners : Mr.A.Prasanna Rajadurai

For Respondents : Mr.M.Sarangan
Additional Government Pleader
for R1 to R3

: Mr.K.Ragatheesh Kumar
for M/s.Isaac Chamber for R4 & R5

ORDER

Heard both sides.

2. The petitioner joined the fifth respondent college during the academic year 2017-18 in BHMS degree course conducted by them. The petitioner alleges that he was subjected to severe physical and mental harassment and forced to discontinue the course. The petitioner filed W.P.(MD)No.17344 of



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2019 for cancelling the recognition accorded to the college. The writ petition was dismissed by me on 22.12.2022 granting liberty to the petitioner to move this Court for any other relief. The learned counsel for the petitioner states that availing such liberty, the present writ petition came to be filed.

3. The stand of the petitioner is that apart from the course fee, caution deposit to the tune of Rs.4,50,000/- was collected from the petitioner. The petitioner had availed education loan from the sixth respondent. According to the petitioner, since he had discontinued the course only on account of the atmosphere prevailing in the college, the college management has to return the entire amount received from the petitioner.

4. The stand of the college is that they had collected only a sum of Rs.1,87,000/- and they denied receipt of caution deposit to the tune of Rs.4,50,000/-. The college management would argue that since the petitioner left the course on his own and the college did not send him out, the petitioner is not entitled to seek refund of the course fee paid for the first year.

5. I wanted to know from the petitioner's counsel if there is any proof for having paid the caution deposit of Rs.4,50,000/-. My attention is drawn to the



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photographs enclosed at page No.46 of the typed set of papers. Two sets containing two thousand rupee notes is shown kept on the table of a college staff. This by itself may not be proof to show that the petitioner had paid a sum of Rs.4,50,000/- as caution deposit. The writ Court cannot be called upon to undertake a detailed investigation into facts. The material on record is not sufficient to come to any definite conclusion that caution deposit of Rs.4,50,000/- was paid by the petitioner to the college management. As regards the refund of the course fee, I find merit in the contention of the counsel for the college management that since the petitioner was not dismissed by the college and since the petitioner had undergone the course, the question of making refund will not arise at all. I am not in a position to grant any relief to the petitioner.

6. The Writ Petition is dismissed. No costs.

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

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