



*Cont.P.(MD)No.921 of 2024*

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 04.12.2024**

**CORAM:**

**THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH**

**Cont.P.(MD)No.921 of 2024**

P.Kishorekumar

... Petitioner

VS.

M.Nageswaran

The Managing Director/Administration,

Ponnaiah Ramajeyam Institute of Science and Technology,

Deemed University (PRIST),

Trichy – Thanjavur Road, Vallam Cafe Road,

Thanjavur District – 613403.

... Contemnor/Respondent

**Prayer** : Contempt Petition filed under Section 11 of Contempt of Courts Act, to initiate Contempt of Court proceedings against the respondent, namely M.Nageswaran, Chairman cum Director, Ponnaiah Ramajeyam Institute of Science and Technology (PRIST), Deemed University Thanjavur, Vallam Cafe Trichy Road, Thanjavur District, for willful and contumacious defiance of direction passed by this Court in the order, dated 07.11.2023, in W.P.(MD)No.2943 of 2021 and prosecute and punish the respondent for the Contempt of Court by flouting the above said order of this Court.



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For Petitioner : Mr.V.Palanichamy

For Respondent : Mr.B.Saravanan,  
Senior Counsel  
for Mr.K.M.Karunakaran

### **ORDER**

In pursuant to the earlier order passed by this Court, a counter affidavit has been filed by the respondent. The relevant portion of the same is extracted here under :

*“ 4. I respectfully submit that the Petitioner herein had participated in the Counselling held for admission into MBBS Course and there after he joined the 1<sup>st</sup> year MBBS course in our Institute on 30.09.2016. For the 1<sup>st</sup> year course (Academic year 2016-2017), the petitioner had paid requisite fees of Rs.10,00,000/- under the following heads :*

| <b><i>Date</i></b> | <b><i>Details</i></b>                  | <b><i>Amounts<br/>(In Rs.)</i></b> |
|--------------------|----------------------------------------|------------------------------------|
| 30.09.2016         | <i>Tuition fees<br/>full/part</i>      | 3,50,000/-                         |
| 30.09.2016         | <i>Caution deposit</i>                 | 3,50,000/-                         |
| 30.09.2016         | <i>Other<br/>Miscellaneous<br/>Fee</i> | 1,00,000/-                         |



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|            |                 |             |
|------------|-----------------|-------------|
| 05.10.2016 | Caution Deposit | 50,000/-    |
| 05.10.2016 | Hostel Fee      | 1,50,000/-  |
|            | Total           | 10,00,000/- |

5. I respectfully submit that for the 2<sup>nd</sup> year MBBS course, while the fee was fixed at Rs. 9,00,000/-, the petitioner had paid only a sum of Rs. 6,75,000/- and the balance fee amount of Rs. 2,25,000/- was not paid. The payment made by the Petitioner for the 2<sup>nd</sup> year Course is extracted below:

| Date       | Details                       | Amount<br>(In Rs.) |
|------------|-------------------------------|--------------------|
| 05.10.2017 | Tuition fees<br>full/part     | 4,50,000/-         |
| 05.10.2017 | Other<br>Miscellaneous<br>Fee | 2,25,000/-         |
|            | Total                         | 6,75,000/-         |

Subsequently, due to delay in granting permission of the MBBS course in our Institute by the Medical Council of India as well as Medical University, the candidates who were admitted in our Institute during the academic year 2016-17 were accommodated/admitted in other medical colleges



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*pursuant to the orders passed by this Hon'ble Court as well as the decision of the Government.*

*6. I further respectfully submit that in the meanwhile, the petitioner filed the above writ petition in W.P.(MD)No.2943 of 2021 seeking for a writ of mandamus directing the 3<sup>rd</sup> respondent therein to instruct the 2<sup>nd</sup> respondent therein to consider his representation dated 24.11.2024, to refund his M.B.B.S 2<sup>nd</sup> year course fee of Rs. 6,75,000/- and caution deposit of Rs.4,00,000/- (Total Rs.10,75,000/-) to the petitioner.*

*7. I further respectfully submit that there upon, this Hon'ble Court was pleased to dispose of the above writ petition by its order dated 07.11.2023 with the following directions :*

*'3. When the matter came up for hearing on 16.10.2023, this Court passed the following order :*

*'The learned counsel for the respondents 2 and 3 requests some more time to inform this Court as to whether the refund claimed by the petitioner was considered and was made to the petitioner, like that other 108 students, to whom such refund was made. Post this case under the same caption on 07.11.2023.'*



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*4. When the matter was taken up for hearing today, the learned counsel appearing on behalf of the respondents 2 and 3 submitted that the petitioner can make the claim before the third respondent along with all the relevant documents and that the same will be considered as was done for the other students and if the refund has not already been made, the amount which the petitioner is entitled will be refunded.*

*5. In the light of the above submission made by the learned counsel appearing on behalf of the respondents 2 and 3, there shall be a direction to the petitioner to make a fresh claim before the third respondent along with all the relevant documents and the third respondent shall act upon the same and make the refund on verification of the relevant documents, within a period of four weeks from the date of receipt of a copy of this order.'*

*8. I respectfully submit that consequent to order passed by the Hon'ble Court in the above writ petition, the petitioner herein made a representation without any supporting documents in the month of December, 2023 with a request to refund a sum of Rs.10,75,000/- to the petitioner.*



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9. *I further respectfully submit that as stated above, the petitioner had paid only a sum of Rs. 6,75,000/- towards 2<sup>nd</sup> year course fees as against the actual fee of sum of Rs.9,00,000/-. Therefore, the outstanding sum of Rs.2,25,000/- payable by the petitioner was adjusted from the refundable caution deposit and a further sum of Rs.1,00,000/- was adjusted from the caution deposit of the petitioner towards breakages in college and hostel.*

10. *I further respectfully submit that on verification of records, it was found that a sum of Rs.75,000/- was due to be refunded to the petitioner from the caution deposit after deducting the amounts payable by the petitioner to the college. Infact, the tuition fees paid by the students for undergoing the 2<sup>nd</sup> year M.B.B.S was not refunded to any student who studied in our institute while they were redistributed to some other college. This respondent has refunded only the caution deposit amount after deductions, to the students. Therefore, the amount payable to the petitioner by this respondent is a sum of Rs.75,000/- towards refund of caution deposit and Rs.60,000/- towards payment of interest for retaining the caution deposit and the same was paid by this respondent through two*



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*separate Demand Drafts and the same was handed over to the counsel for petitioner on 14.11.2024. Hence, the order passed in the above writ petition has been duly complied with.”*

2. According to the respondent, the petitioner is only entitled for a refund of Rs.75,000/- (Rupees Seventy Five Thousand only) and this amount was paid.

3. According to the petitioner, the petitioner is entitled for the refund of entire amount that was paid during the 2<sup>nd</sup> year. This issue cannot be specifically gone into in this contempt petition. If the petitioner has any grievance, the petitioner has to independently work out his remedy. Except giving this clarity, no further orders can be passed in this contempt petition.

4. Accordingly, this Contempt Petition is closed.

**04.12.2024**

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Index : Yes/No

Speaking Order/Non-Speaking Order

Neutral citation : Yes/No



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**N. ANAND VENKATESH, J.**

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To

M.Nageswaran  
The Managing Director/Administration,  
Ponnaiah Ramajeyam Institute of Science and Technology,  
Deemed University (PRIST),  
Trichy – Thanjavur Road, Vallam Cafe Road,  
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