

W.P.No.3325 of 2025

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.04.2025

CORAM:

THE HONOURABLE MRS.JUSTICE N.MALA

W.P.No.3325 of 2025
and WMP.No.3696 of 2025

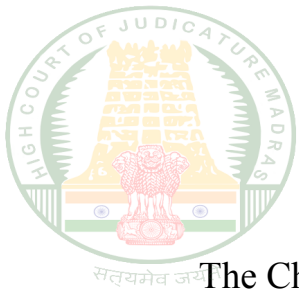
1. Baskar Raja.V
2. Vijayaraghavan.P

... Petitioners

Vs.

1. The State of Tamil Nadu
Rep.by the Secretary
Health Department,
Fort St.George,
Chennai 600 009.
2. The Director of Medical Education
162, Periyar E.V.R.High Road,
Kilpauk, Chennai 600 010.
3. Ponnaiyah Ramajayam
Medical College and Hospital,
rep.by its Principal
H4CJ+PF7, PRIST University
Nallur, Manamai,
Tamil Nadu 60310.
also at
Thanjavur – Trichy Highways,
Vallam, Thanjavur,
Tamil Nadu 613 403.

4. N.Nagesh



W.P.No.3325 of 2025

WEB COPY

The Chancellor

Ponnaiyah Ramajayam Institute of
Science and Technology
rep.by its Chancellor
having office at Thanjavur – Trichy
Highways, Vallam, Thanjavur,
Tamil Nadu 613 403.

5. Dr.T.V.Christy

Vice Chancellor

Ponnaiyah Ramajayam Institute of
Science and Technology
rep.by its Chancellor
having office at Thanjavur – Trichy
Highways, Vallam, Thanjavur,
Tamil Nadu 613 403.

6. Dr.S.Udayakumar

Pro Vice Chancellor

Ponnaiyah Ramajayam Institute of
Science and Technology
rep.by its Chancellor
having office at Thanjavur – Trichy
Highways, Vallam, Thanjavur,
Tamil Nadu 613 403.

7. Dr.M.Abdul Ghani Khan

Registrar

Ponnaiyah Ramajayam Institute of
Science and Technology
rep.by its Chancellor
having office at Thanjavur – Trichy
Highways, Vallam, Thanjavur,
Tamil Nadu 613 403.

... Respondents

PRAYER : Writ Petition filed under Article 226 of Constitution of India,
to issue Writ of Mandamus to direct the third to seventh respondents their



W.P.No.3325 of 2025

officers, sub-ordinates, agents or any other persons or entities claiming and / or acting under the said respondents from to refund a sum of Rs.10,75,000/- paid by the petitioners towards the tuition fee paid towards the second year of MBBS along with caution deposit and counselling fee paid to the third respondent.

For Petitioner : Ms.Varuni Mohan
for Mr.G.Vivekanand

For Respondents : Mr.E.Sundaram
Government Advocate for R1 & R2
Mr.O.S.Thilak Pasumbadiar
for R3 to R7

ORDER

This writ petition has been filed for a Writ of Mandamus seeking refund of Rs.10,75,000/- paid by the petitioner towards the tuition fee for the second year MBBS course, along with caution deposit and counselling fee paid to the third respondent.

2. The first petitioner secured admission in the 3rd respondent college through the allotment order of the 2nd respondent dated 21.09.2016 in the academic year 2016-17. The petitioner paid the fees for the second year in 2017-2018. While so, for non-compliance of the norms and regulations prescribed by the Medical Council of India, the Government of India, declined to grant recognition to the 3rd respondent college. All the students admitted in



W.P.No.3325 of 2025

WEB COPY

the 3rd respondent college, were left in lurch and so they approached this Court in W.P.No.22111 of 2018, for a direction to the Government to take over the responsibility of the students admitted in the 3rd respondent college. Suffice it to state that after a long drawn legal battle, the 108 students of the 3rd respondent college including the petitioner were accommodated in 6 self financing colleges through the permission granted by the Government of India in its communication dated 29.04.2019. The first petitioner thereafter filed an online complaint to the Tamil Nadu Police Citizen Complaint Portal. The petitioner also submitted representations to the Vellore District Level Services Authority, and to the Tamil Nadu Dr.MGR Medical University, on 26.08.2021, 19.05.2022 and 16.03.2023 respectively, against the third respondent, seeking refund of balance fees of Rs.10,75,000/- after deducting an amount of Rs.2,50,000/- transferred by the third respondent to the petitioner. As the respondents did not respond to the petitioner's representation, the petitioner was constrained to file the above writ petition for the aforesaid relief.

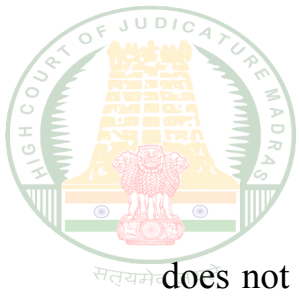
3. A detailed counter was filed by the respondents 3 to 7. The respondents stated that the claim of the petitioner was time bound and that they had already transferred a sum of Rs.2,50,000/- to the first petitioner on 13.02.2020 and therefore there were no dues. The respondents hence prayed for the dismissal of



4. Heard both sides and perused the materials available on record.

5. Admittedly, the 3rd respondent college was not granted recognition by the Government of India, for admission of students for the year 2017-2018 and 2018-2019, due to its failure to comply with norms and regulations prescribed by the Medical Council of India. Therefore the cancellation of admission was not attributable to any fault on the part of the petitioner. Once recognition was declined, the 3rd respondent was under a legal obligation to refund the entire fees collected by it from the petitioner. Retention of fees by the respondent college, despite the cancellation of recognition is clearly illegal and arbitrary. The 3rd respondent in its counter did not specifically deny the receipt of Rs.13,25,000/- from the petitioner but claimed that Rs.2,50,000/- was refunded in full settlement of the dues and further contended that the claim was barred by limitation. In my view such contentions are without merit and unsustainable.

6. In the light of the fact that the fees were wrongfully retained even after the loss of recognition, the cause of action is of continuing nature. It is well settled principle in law that when legal wrong continues, the limitation period



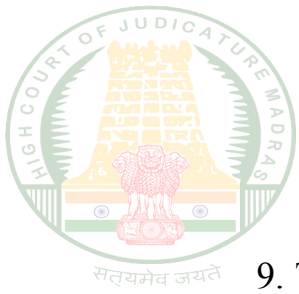
W.P.No.3325 of 2025

WEB COPY

does not begin to run until the wrong ceases. In my view in case of continuing wrongs, a fresh period of limitation begins to run at every moment of the time during which the breach continues. Hence the plea of limitation raised by the 3rd respondent is untenable and devoid of merit. The retention of fees, in the present case amounts to a continuing wrong, giving rise to a recurring cause of action from day to day, thereby negating the applicability of the law of limitation.

7. The petitioner has filed receipts in support of the payment of Rs.13,50,000/- made by him. The 3rd respondent does not dispute the payment of Rs.13,50,000/- by the petitioner. The 3rd respondent therefore cannot plead that the payment of Rs.2,50,000/- amounts to full quit of the dues. Hence the said plea is also rejected. Therefore, in my view the respondents 3 to 7 are bound to refund the tuition fee of Rs.13,50,000/- less the amount of Rs.2,50,000/- already paid to the petitioner.

8. The petitioner claims interest for the said amount of Rs.10,75,000/- illegally retained. In my view the petitioner is entitled to interest on the said amount, as the retention of fees by the respondents, despite the discontinuation of the course constitutes unjust enrichment and illegal retention of money.



W.P.No.3325 of 2025

WEB COPY

9. The learned counsel for the respondents 3 to 7 submitted that pursuant to the transfer of the students, the third respondent died and that the respondents 4 to 7 have no connection with the third respondent. The contention raised is contrary to the counter affidavit. It is clearly stated in the counter affidavit that it is filed on behalf of the respondents 3 to 7 and therefore the said contention cannot be accepted and hence is rejected.

10. In view of the above discussion, the writ petition stands allowed with a direction to the respondents 3 to 7 to refund a sum of Rs.10,75,000/- with 6% interest to the first petitioner within a period of three weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is also closed.

21.04.2025

dpq

Index : Yes /No

Speaking Order : Yes/No

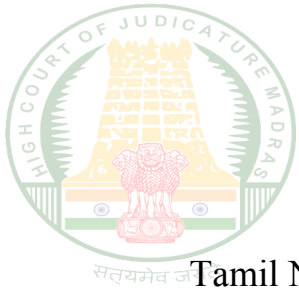


W.P.No.3325 of 2025

WEB COPY

To

1. The State of Tamil Nadu
Rep.by the Secretary
Health Department,
Fort St.George,
Chennai 600 009.
2. The Director of Medical Education
162, Periyar E.V.R.High Road,
Kilpauk, Chennai 600 010.
3. Ponnaiyah Ramajayam
Medical College and Hospital,
rep.by its Principal
H4CJ+PF7, PRIST University
Nallur, Manamai,
Tamil Nadu 60310.
also at
Thanjavur – Trichy Highways,
Vallam, Thanjavur,
Tamil Nadu 613 403.
4. N.Nagesh
The Chancellor
Ponnaiyah Ramajayam Institute of
Science and Technology
rep.by its Chancellor
having office at Thanjavur – Trichy
Highways, Vallam, Thanjavur,
Tamil Nadu 613 403.
5. Dr.T.V.Christy
Vice Chancellor
Ponnaiyah Ramajayam Institute of
Science and Technology
rep.by its Chancellor
having office at Thanjavur – Trichy
Highways, Vallam, Thanjavur,



W.P.No.3325 of 2025

Tamil Nadu 613 403.

WEB COPY

6. Dr.S.Udayakumar
Pro Vice Chancellor
Ponnaiyah Ramajayam Institute of
Science and Technology
rep.by its Chancellor
having office at Thanjavur – Trichy
Highways, Vallam, Thanjavur,
Tamil Nadu 613 403.

7. Dr.M.Abdul Ghani Khan
Registrar
Ponnaiyah Ramajayam Institute of
Science and Technology
rep.by its Chancellor
having office at Thanjavur – Trichy
Highways, Vallam, Thanjavur,
Tamil Nadu 613 403.



WEB COPY



W.P.No.3325 of 2025

N. MALA, J.

dpq

W.P.No.3325 of 2025
and WMP.No.3696 of 2025

21.04.2025