



W.P.No. 3059 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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Dated : 28.02.2025

CORAM:

THE HONOURABLE MRS JUSTICE N. MALA

W.P.No.3059 of 2023

C. Elangovan

... Petitioner

VS

1. Vice Chancellor,
Tamil Nadu Dr. MGR Medical university,
No.69, Anna Salai,
Guindy, Chennai 600 032.
2. The Registrar,
Tamil Nadu Dr. MGR Medical university,
No.69, Anna Salai,
Guindy, Chennai 600 032.
3. The Dean of Student,
Tamil Nadu Dr. MGR Medical university,
No.69, Anna Salai,
Guindy, Chennai 600 032.
4. The Academic Officer,
Tamil Nadu Dr. MGR Medical university,
No.69, Anna Salai,
Guindy, Chennai 600 032.
5. The Principal,
Government Siddha Medical College,
Arumbakkam, Chennai 600 106.

...Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue appropriate writs, orders or directions and in particular issue a writ in the nature of Writ of Mandamus, directing the 1st respondent to accept the amount of Rs.2,36,000/- as ordered by the third respondent letter dated 04.12.2019 and condone the break of study and allow the petitioner to complete B.S.M.S. degree.

For Petitioner : Mr. S.T.Varadarajalu

For R1 to R4 : Mr. A. Mohamed Gouse
Standing Counsel.

For R5 : Mr.E. Sundaram,
Government Advocate

ORDER

The petitioner has filed the present Writ Petition for a mandamus directing the respondents to accept an amount of Rs.2,36,000/- as ordered by the third respondent in letter dated 04.12.2019 to condone the break of study and allow the petitioner to complete B.S.M.S. degree.

2. The petitioner joined B.S.M.S. Degree in 2007 in the fourth respondent college, which is affiliated to the Tamilnadu Dr. MGR Medical University. The petitioner completed his first and second year examinations and, thereafter, due to lack of attendance, was not permitted to write the third year examination. The petitioner, due to financial incapacity, was not able to continue his studies further. Hence, in July



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2019, the petitioner approached the first respondent for permission to condone the break of study as per the University Regulations 2007-2008. The third respondent, by an order dated 04.12.2019 granted permission, subject to payment of condonation fee of Rs.2,36,000/-. As the petitioner was not able to mobilise funds due to CORONA out break, he could not pay the said amount. After lifting of lock down, the petitioner again approached the third respondent requesting to accept the amount as per the order dated 04.12.2019. However, the fourth respondent rejected the request by a letter dated 19.10.2022. The petitioner, therefore, filed the present Writ Petition for the abovesaid relief.

3. The learned counsel for the petitioner submitted that the petitioner was permitted to pay a sum of Rs.2,36,000/- towards condonation of break in study, but the petitioner was not able to mobilise funds due to financial difficulties. The learned counsel submitted that the petitioner ought to be permitted to remit the said amount and an appropriate direction should be issued to the first respondent to accept the same, condone the break in study and allow the petitioner to complete his B.S.M.S. degree.



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4. Para 10 of the counter of the second respondent is worth referring with regard to the petitioner's contentions. Para 10 is as follows:

"I state that the fee for condonation of break of study for AYUSH courses is INR.50,000/- per year. Already by letter dated 19.10.2022 the University has directed the petitioner to pay a sum of INR.2,36,000/- towards the fee for condonation of break of study for the period from 14.08.2015 to 07.09.2019 including 18% of GST. Therefore, even if the Standing Academic Board permits the petitioner to continue his studies, the petitioner has to pay the additional amount for condonation of break of study from 07.09.2019 to till the date of resolution to be received from the Standing Academic Board together with 18% of GST to this University."

From the above it is clear that the respondents are agreeable to the request of the petitioner if he pays the full amount towards condonation of break in study from 07.09.2019, till the date of resolution of the Standing Academic Board together with 18% GST to the University.



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5. In view of the categorical submission of the respondents 1 to 4,

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in their counter, and in the light of the petitioner's willingness to make the requisite payment, I deem it fit to permit the petitioner to submit a fresh representation to the respondents for permission to complete the course, subject to payment of additional amounts for condonation of break in study from 07.09.2019, till the date of resolution of the Standing Academic Board together with 18% GST, in addition to the amount of Rs.2,36,000/- ordered as per the letter dated 04.12.2019, of the third respondent, within a period of two weeks from the date of receipt of a web-copy of this order. On receipt of the representation of the petitioner, the fifth respondent shall pass orders on merits and in accordance with law within four weeks thereafter.

6. With the above directions, the Writ Petition stands disposed of.

No costs.

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Internet : Yes / No

Index: Yes / No

Speaking order / Non speaking order

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To

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N.MALA, J.

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