



W.P.No.14244 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.09.2025

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THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.No.14244 of 2024
and W.M.P.Nos.15435 & 15438 of 2024

Usharani

..... Petitioner

Vs

1. The Secretary to Government,
Health Department,
Government of Tamil Nadu,
Chennai-600 009.

2. Additional Director of Medical Education
And Research/Secretary Selection Committee,
Directorate of Medical Education and Research,
Kilpauk, Chennai-600 010.

..... Respondents

Prayer:- Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Certiorarified Mandamus, calling for the records of the 2nd respondent herein his proceeding Ref No.5605/SCS1(1)/2023 dated 02.01.2024 culminating into proceeding Ref No. 112/SCS1(1)/2024, dated 22.01.2024 and quash the same and consequently direct the 2nd respondent herein to refund the forfeited Security Deposit and Tuition Fee, amounting to Rs.14,51,000/- (Rupees Fourteen Lakhs and Fifty-One Thousand) (Rs.1,01,000/- plus Rs.13,50,000/-)to the petitioner herein within a time frame to be stipulated by this Honorable Court.



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W.P.No.14244 of 2024

For Petitioner : Mr.P.Dinesh Kumar
For R1 : Mr.K.Tippu Sulthan
Government Advocate
For R2 : Mrs.M.Sneha
Standing Counsel

ORDER

This Writ Petition has been filed challenging the order dated 02.01.2024 passed in proceeding Ref.No.5605/SCS1(1)/2023 by the second respondent, culminating into proceeding Ref.No.112/SCS1(1)/2024, dated 22.01.2024, thereby rejected the request of the petitioner for refund of security deposit and tuition fees for the Academic Year 2023-2024.

2. Heard the learned counsel appearing on either side and perused the materials available on record.

3. The petitioner's daughter secured 311 marks out of 720 in the National Eligibility cum Entrance Test (NEET-UG) 2023. She belongs to Back Ward community and applied to the second respondent for admission into MBBS (Management Quota Seat) in a self financing college for the Academic Year 2023-2024 under the Linguistic Minority Category. The petitioner remitted a sum of Rs.1,01,000/- towards the



W.P.No.14244 of 2024

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Security Deposit on 02.08.2023. During the first round of counselling, his daughter was allotted MBBS Seat in self financing college viz., Arunai Medical College and Hospital, Tiruvannamalai under the Telugu minority category. Accordingly, the petitioner paid a sum of Rs.13,50,000/- towards tuition fees for participation in further rounds of counselling. On receipt of the tuition fees, a provisional allotment order was issued to the petitioner's daughter, wherein she has been mandated to report to the Principal/Dean of the aforesaid college.

4. However, the petitioner's daughter, with the hope of obtaining a seat in a better college, participated in the second round of counselling. She was allotted an MBBS seat at Trichy SRM Medical College Hospital and Research Centre, Trichy under the Telugu Minority category. After allotment of medical seat, the petitioner came to know that a higher amount, amounting approximately Rs.20,00,000/-, was required as tuition fees, which was substantially higher than the tuition fees of the first allotted college, viz., Arunai Medical College and Hospital, Tiruvannamalai. Due to financial constraints, the petitioner's daughter was compelled to withdraw from the counselling process and relinquished the medical seat. Consequently, the petitioner's daughter



W.P.No.14244 of 2024

did not join any of the aforesaid colleges and is presently pursuing an engineering course. Thereafter, the petitioner made a representation seeking refund of the security deposit and tuition fees.

5. A perusal of the records and the submissions made by the learned counsel appearing on either side reveals that the petitioner's daughter attended the first round of counselling and she was allotted a medical seat in Arunai Medical College and Hospital, Tiruvannamalai. The petitioner paid a sum of Rs.1,01,000/- towards security deposit and a sum of Rs.13,50,000/- towards tuition fees. On payment of the tuition fees, she can also participate in further rounds of counselling for upgradation to a preferred college.

6. A perusal of the prospectus for admission to MBBS degree course under the Management Quota including Minority/NRI seats, in self financing medical colleges in Tamil Nadu affiliated with the Tamil Nadu Dr.M.G.R.Medical University for the 2023-2024 session, reveals that at the time of counselling registration, all candidates are required to pay a security deposit of Rs.1,00,000/- for Management Quota including Minority/NRI category seats in self-financing colleges.



W.P.No.14244 of 2024

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The security deposit will be refunded to the candidates after joining the allotted colleges at the end of all the rounds of counselling or if the candidate could not get any seat during any of the rounds of counselling. However, the security deposit may not be refunded to the candidates who have not joined or discontinued the course after completion of the second round of counselling or subsequent rounds of counselling and such candidates will also forfeit the registration fee and tuition fee. Further, a candidate who has been allotted a seat but does not join/resign from the course within the stipulated time is eligible to participate in subsequent rounds of online counselling for the Academic Year 2023-2024.

7. Insofar as the petitioner's daughter is concerned, though she remitted security deposit and tuition fees to Arunai Medical College and Hospital, Tiruvannamalai, she did not join the MBBS Course even for a single day. In order to upgrade to other self-financing college, the petitioner's daughter participated in the second round of counselling and was allotted an MBBS seat at Trichy SRM Medical College Hospital and Research Centre, Trichy. However, the petitioner found that the fee structure at the said college was substantially higher than that of Arunai Medical College and Hospital, Tiruvannamalai. Therefore, the petitioner



W.P.No.14244 of 2024

was not able to mobilise the fund to pay such a huge fees. Hence, the

petitioner's daughter has chosen an engineering course and joined there.

8. As per the prospectus, a candidate who has not joined the course after the completion of second round of online counselling is eligible to participate in subsequent rounds of online counselling for the Academic Year 2023-2024. However, such a candidate is required to forfeit the registration fee, security deposit and tuition fees that was already paid. In the case on hand, the petitioner's daughter did not join any of those allotted medical colleges and the vacancies were subsequently filled by other candidates. Therefore, there is no loss caused to the second respondent. In fact, after joining in the respective colleges, the tuition fees are remitted to the respective colleges only after the candidates joins the course. Since the petitioner's daughter did not join any college either in the first round of counselling or second round of counselling, the tuition fees have not been remitted to the colleges. Therefore, the petitioner's daughter is entitled for tuition fees alone. Insofar as the registration fees and security deposit are concerned, the petitioner's daughter is not entitled to the refund of the registration fee or the security deposit. Further, no loss has been caused to the second respondent or concerned college.



W.P.No.14244 of 2024

9. In view of the above, this Court is inclined to set aside

the part of the order passed by the second respondent insofar as the tuition fees alone are concerned. Accordingly, the second respondent is directed to refund the tuition fees of Rs.13,50,000/- to the petitioner within a period of two weeks from the date of receipt of a copy of this order. Insofar as the registration fees and security deposit are concerned, the order passed by the second respondent is remain intact.

10. In the result, this Writ Petition is partly allowed.

Consequently, connected miscellaneous petitions are closed. There shall be no order as to costs.

04.09.2025

Internet : Yes
Index : Yes/No
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To

1. The Secretary to Government,
Health Department,
Government of Tamil Nadu,
Chennai-600 009.

2. Additional Director of Medical Education
And Research/Secretary Selection Committee,
Directorate of Medical Education and Research,
Kilpauk, Chennai-600 010.



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W.P.No.14244 of 2024

G.K.ILANTHIRAIYAN, J.

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W.P.No.14244 of 2024

04.09.2025