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WP No. 29120 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11-08-2025

CORAM

THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

WP No. 29120 of 2025

AND

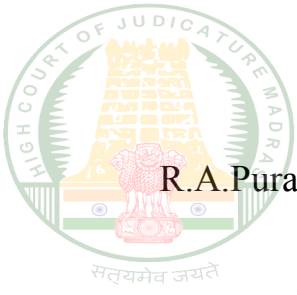
WMP NO. 32669 of 2025

Gokula Krishnan B
S/o.Balasubramani,
Door No. 75A, Plot No.96,
Karunanithi 2nd Cross Street,
Thanthai Periyar Nagar, Taramani,
Chennai 600 113.

Petitioner(s)

Vs

1. The Registrar,
Tamil Nadu Dr.Ambedkar Law
University,
School of Excellence in Law
“Perungudi Campus”, M.G.R Salai,
Near Taramani [MRTS], Railway
Station,
Perungudi, Chennai 600 113.
Also at,
“Poompozhi”, No.5,
Dr.D.G.S. Dhinakaran Salai,



R.A.Puram, Chennai 600 028.

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2. The Dean,

Tamil Nadu Dr.Ambedkar Law

University,

School of Excellence in Law

“Perungudi Campus”, M.G.R Salai,

Near Taramani [MRTS], Railway
Station,

Perungudi, Chennai 600 113.

3. The Chairman, Admissions

Tamil Nadu Dr.Ambedkar Law

University,

School of Excellence in Law

“Perungudi Campus”, M.G.R Salai,

Near Taramani [MRTS], Railway
Station,

Perungudi, Chennai 600 113.

Also at,

“Poompozhi”, No.5,

Dr.D.G.S. Dhinakaran Salai,

R.A.Puram, Chennai 600 028.

Respondent(s)

PRAYER: Writ Petition filed under Article 226 of the Constitution of India,

praying for issuance of a Writ of Certiorarified Mandamus, to call for the



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records of the impugned letter dated 28.03.2025 passed by the 1st respondent in C.No.1490/Regr/Acad/A4/2025 and quash the same as illegal and

consequently direct the respondents to permit the petitioner having Registration No.H324049 to attend the regular classes, appear for the examinations, pursue his course and complete his studies without insisting on the petitioner to pay the Tuition and Special Fee.

For Petitioner(s): Mr.Rajagopal Vasudevan

For Respondent(s): Mr.S.Siva Shanmugam
Standing Counsel For TNDALU

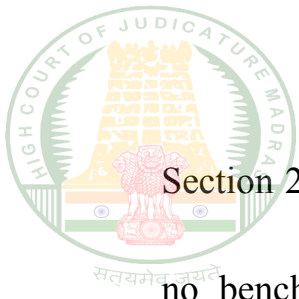
ORDER

The instant Writ Petition has been filed to call for the records of the impugned letter dated 28.03.2025 passed by the 1st respondent in C.No.1490/Regr/Acad/A4/2025 and quash the same as illegal and consequently direct the respondents to permit the petitioner, having Registration No.H324049, to attend the regular classes, appear for the examinations, pursue his course and complete his studies without insisting the petitioner to pay Tuition and Special Fees.



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2. The learned counsel for the petitioner would vehemently contend that the petitioner is a Differently Abled Student and diagnosed with Chronic Schizophrenia and certified with 10% mental illness-related disability under The Rights of Persons with Disabilities Act, 2016. It is the contention of the learned counsel for the petitioner that, according to the allotment letter, the “Differently Abled Candidates” are fully exempted from payment of Tuition Fee and Special Fee. It is the further submission of the learned counsel for the petitioner that there is no necessity that the Disabled Candidates must have Benchmark Disability under The Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 (hereinafter referred to as “*the Act of 1995*”). Though the Act of 1995 refers “person with disability” means a person suffering from not less than forty per cent of any disability as certified by a medical authority, after repealing of the said Act of 1995, when the Rights of Persons with Disabilities Act, 2016 (49 of 2016) (in short, “*RPwD Act, 2016*”). The word “person with disability” has been diluted and defined that person with long term physical, mental, intellectual or sensory impairment under



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Section 2(s) of the *RPwD Act, 2016*. While defining a “person with disability”,

no benchmark percentage had been given and, by way of introduction of

Section 2(r), the *RPwD Act, 2016* defines a person with benchmark disabilities.

3. The learned counsel for the petitioner also relied upon the judgment of Hon'ble Supreme Court in the case of ***Vikash Kumar Vs. UPSC***, reported in ***(2021) 5 SCC 370*** and would contend that the person with disability must be given a reasonable accommodation. He would also relied upon the recent judgment of the Hon'ble Supreme Court in the case of ***Gulshan Kumar Vs. Institute of Banking Personnel Selection and Others***, reported in ***(2025) 4 SCC 90***, which follows ***Vikash Kumar Vs. UPSC (supra)*** and would contend that there should be equality for all the persons with disabilities and denying the facility of scribe or compensatory time constitutes discrimination under the RPwD Act, 2016.

4. It is the further contention of the learned counsel for the petitioner that when the allotment letter defines Differently Abled, the respondents cannot



qualify the same as it is the benchmark disability. Therefore, the learned counsel for the petitioner contended that the impugned letter dated 28.03.2025 is in contravention of the allotment letter and in violation of the provisions contained in the RPwD Act, 2016.

5. Per contra, the contentions of the learned counsel for the petitioner was stoutly objected to by the learned Standing Counsel for the respondents by submitting that the petitioner has only "Psychosis under Remission" and has 10% disability. As the petitioner possessed necessary marks, he has got admission under BC (Others) category and not under the "Differently Abled Persons Category" and was asked to remit the entire academic fee, which was paid by the petitioner on 14.10.2024. It is the further submission of the learned Standing Counsel for the respondents that, in respect of the accommodation in the hostel, the prospects of the academic year 2024-2025 has specifically mentioned that there is no vacancy in the boys hostel.

6. It is the further submission of the learned Standing Counsel for the



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respondents that the candidates who claim reservation under the Differently Abled Persons Category should have the disability of 40% and above. It is also submitted that only differently disabled candidates who have the benchmark disability alone are eligible to have waiver of fees. However, he submitted that, in the case on hand, the petitioner is having only 10% disability and he was only allotted under BC (others) category. Therefore, he conveyed that the petitioner is not eligible for any waiver of fee. It is also submitted that the respondents have never denied the petitioner to attend the classes, hence, prayed for dismissal of the present writ petition.

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

8. The bone contention of the petitioner revolves around the interpretation of the word “person with disability”. In this connection, the learned counsel commences his arguments from the allotment letter. In the allotment letter, it refers that "The Differently Abled Candidates are fully exempted from payment of Tuition Fee and Special Fee”, to which, the petitioner's counsel draws that



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when the allotment letter does not specify the word “Benchmark disability” and merely referring about the word “disability”, which includes all the differently abled candidates, notwithstanding, whether they have the benchmark disability or less than the benchmark disability. To substantiate his submission, the learned counsel relied upon definition of the RPwD Act, 2016, where Section 2(r) and Section 2(s) defines as "Persons with Benchmark Disability" and "Persons with Disability". As rightly contented by the petitioner's counsel, though the Act of 1995 defines "Persons with Disability" means, the person got 40% and above disability, in RPwD Act, 2016 the percentage has been removed and separate definition namely Section 2(r) has been provided as "Person with Benchmark Disability". Therefore, it is the contention of the petitioner's counsel that the word "Differently Abled" must be construed in light of Section 2(s) of the RPwD Act and notwithstanding the petitioner having the benchmark disability, he is eligible to have waiver of fees.

9. To substantiate his contention, the learned counsel has relied upon the judgments of *Vikash Kumar* (supra) and *Gulshan Kumar* (supra). In those



judgements, the Hon'ble Supreme Court has dealt with discrimination faced by the Differently Abled Persons based upon their percentage of disability.

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However, the fact of those cases are different from the case on hand. The facts of the reported judgments are in respect of writing the examinations and on the ground of lesser percentage of disability, reasonable accommodation was denied. However, in the case on hand, notwithstanding the petitioner having the lesser percentage of disability, he was admitted in the college and provided with education, but only the waiver of fees was denied.

10. At this juncture, it would be appropriate to refer the definition of "Differently Abled" referred to in the academic year 2024-2025 prospectus under the head "Special Reservation and Category". The "Differently Abled Persons" are provided with 5% reservation. It has been explained in the prospectus, that the candidates who claim reservation under the Differently Abled Category should have disability of 40% and above.

11. As rightly contented by the learned Standing Counsel for the



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respondents, in the allotment letter and fee circular, the waiver of fees has been provided only against the Differently Abled Person. Since there is no percentage given at the relevant places, it does not mean that it refers to persons those who have lesser percentage of disability. This Court is in full agreement with the said submissions made by the learned Standing Counsel for the respondents. As rightly submitted by the learned Standing Counsel for the respondents that the candidates, who claim special reservation under the Differently Abled Persons category should have disability of 40% and above.

12. In the case on hand, admittedly, the petitioner is having only 10% disability and he is admittedly given an allotment under the BC (others) category and not under the Differently Abled Persons Category. Therefore, mere reference of the word “Differently Abled” without referring the percentage in the allotment letter dated 07.10.2024 will in no way enure any benefit to the petitioner from not paying the fees, and it is appropriate to refer, even the prospectus, which gives waiver of fees to the Differently Abled Persons, as discussed herein above was against the persons having disability of 40% and



above. Accordingly, this Court is of the view that there is no infirmity and

illegality in the order passed by the first respondent dated 28.03.2025. Hence,

the writ petition deserves to be dismissed.

13. At this juncture, the learned counsel for the petitioner seeks short time to pay the fees. This Court directs the petitioner to pay the fees, within a period of four weeks from today. In the meanwhile, the respondents are directed to permit the petitioner to attend the classes. It is made clear that, if the petitioner has not paid the fees, within the stipulated time as stated above, then the respondents are at liberty to take appropriate action. No costs. Consequently, connected Miscellaneous Petition is closed.

11-08-2025

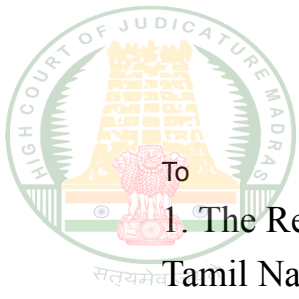
Jd

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



To

1. The Registrar,

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C.KUMARAPPAN J.
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