



W.P.No.31684 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.09.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.31684 of 2024

and

W.M.P.Nos.34435 and 34436 of 2024

Dr.Athul Jeevan

... Petitioner

Vs.

1. Additional Director of Medical Education
and Research/The Secretary,
Selection Committee for NEET-PG-2022-23,
Directorate of Medical Education,
Kilpauk, Chennai – 600010.
2. Additional Chief Secretary to Government
Health and Family Welfare Department,
Secretariat, Chennai – 600 009.
3. University Grants Commission,
Bahadur Shah Zafa Marg, New Delhi – 110 002.
(R3 impleaded vide order dated 20.08.2025 made
in W.M.P.No.35655 of 2025 in W.P.No.31684 of 2024.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the proceedings in Reference No.109/SCS II (1) 2024 dated 29.01.2024 on the file of the first respondent and addressed to the



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second respondent herein and to quash the same and consequently direct the first and second respondents to refund the Registration Fees (i.e) Rs.2,01,000/- (Rupees Two Lakhs One Thousand Only) and Tuition Fees (i.e) Rs.26,00,000/- (Rupees Twenty Eight Lakhs One Thousand Only) to the petitioner expeditiously within the time frame as may be fixed by this Court.

For Petitioner : Mr.S.Silambanan,
Senior Counsel
for M/s.Annamma K

For Respondents: Mrs.M.Sneha,
Special Counsel (for R1)
Mr.K.Tippu Sulthan,
Government Advocate (for R2)
Mrs.V.Sudha,
Senior Central Government Counsel
(for R3)

ORDER

This writ petition has been filed challenging the order dated 29.01.2024 passed by the first respondent, thereby rejecting the request made by the petitioner to refund the security deposit and tuition fees that were paid during the postgraduate admission for the academic year 2023-2024.

2. Heard the learned counsel for both sides and perused the materials available on record.



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3. The petitioner, after completing his MBBS degree, appeared for the NEET-PG examination during 2022-23 and secured 289 marks out of 800 marks. Thereafter, the petitioner was issued a provisional allotment order dated 11.10.2023 in the specialty of NRI (SF Colleges), M.D. Emergency Medicine, in the College of Sree Mookambika Institute of Medical Sciences, Kanyakumari, under the OC category. Further, as part of the process of the provisional allotment order, the petitioner paid a sum of Rs. 2,01,000/- towards the registration fee and a sum of Rs.26,00,000/- towards the tuition fee. However, the petitioner suffered from severe acute exacerbation of bronchial asthma with bronchopneumonia and, therefore, could not join the postgraduate degree course. Hence, he submitted a representation seeking a refund of the fees paid by him.

4. The learned Special Counsel appearing for the first respondent, on instructions, states that, as per the Prospectus for Admission to Postgraduate Degree/Diploma Courses in Management Quota including NRI of Self-Financing Medical Colleges in Tamil Nadu 2023-2024, the



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petitioner is not entitled for a refund of fees for non-joining in the PG degree. The petitioner was allotted the PG seat in the mop-up round, and after allotment of the seat, if the petitioner failed to join, he would have to forfeit the registration, security deposit, and tuition fees. Therefore, the request made by the petitioner was rightly rejected, and the counsel prayed for dismissal of the present writ petition.

5. On perusal of the records, it is revealed that the petitioner paid a sum of Rs. 2,01,000/- towards registration fees and a sum of Rs.26,00,000/- towards tuition fees in favour of the first respondent. Thereafter, the petitioner could not join the College of Sree Mookambika Institute of Medical Sciences, Kanyakumari, and did not attend even one day of his PG degree course. Subsequently, the seat was filled up by another candidate. Therefore, there is no loss to the college where the petitioner was allotted an M.D. Emergency Medicine seat under the OC category. However, the petitioner is entitled to a refund of the tuition fees but is not entitled to a refund of the registration fees and any security deposit.



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6. In view of the above, the impugned order cannot be sustained insofar as the rejection of the request to refund the tuition fees alone. Accordingly, the impugned order dated 29.01.2024 is hereby set aside insofar as the tuition fees alone. The first respondent is directed to refund the tuition fees of Rs. 26,00,000/- to the petitioner within a period of four weeks from the date of receipt of a copy of this order.

7. In the result, this Writ Petition is partly allowed as indicated above. Consequently, the connected Miscellaneous Petitions are closed.
No costs.

19.09.2025

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
kv



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To

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and Research/The Secretary,
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G.K.ILANTHIRAIYAN, J.

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