



WEB COPY



W.P.No.36864 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.09.2025

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.No.36864 of 2024

and

W.M.P.Nos.39819 and 39822 of 2024

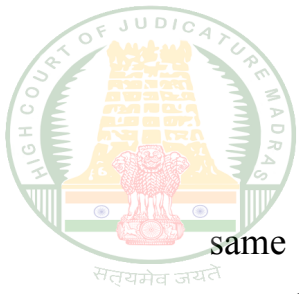
Theerka Varshini A.

... Petitioner

Vs.

1. The Government of Puducherry,
Represented by its Under Secretary to Government,
Department of Health and Family Welfare Services,
Puducherry – 605 001.
2. Centralized Admission Committee (CENTAC),
Government of Puducherry,
Represented by its Convenor,
Kamarajar Mani Mandapam,
Lawspet, Puducherry – 605 008.
3. Indira Gandhi Medical College and Research Institute,
Represented by its Dean,
Kathirkamam, Puducherry – 605 009. ... Respondents

Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, to call for the records culminating in the Fee Structure (for academic years 2024-2025) laid down by the 2nd respondent for admission into the 3rd respondent's hostel and quash the



W.P.No.36864 of 2024

same and consequently direct the 2nd and 3rd respondents to charge the same hostel fee for the petitioner as charged for other category students.

For Petitioner : Mr.Dinu Prasanth
for Mr.Gowwtham Thelak V B

For Respondents : Mr.J.Kumaran
Additional Government Pleader
(Puducherry)

ORDER

This Writ Petition is filed challenging the fee structure for the academic year 2024-25 of the second respondent for admission into the third respondent's hostel under the head of caution deposit.

2. The petitioner applied to the second respondent for admission into the medical colleges in Puruducherry under the Non-Resident Indian [hereinafter referred to as NRI] sponsored category. After fulfillment of the selection criteria, the second respondent allotted the third respondent College for pursuing the undergraduate M.B.B.S course under the NRI sponsored category and the provisional allotment order dated 27.09.2024 was also issued to the petitioner. The petitioner had paid requisite fees to the tune of Rs.1.02 Crores including the refundable caution deposit as



W.P.No.36864 of 2024

per the fee structure stipulated in the brochures. After receipt of entire fee, the petitioner got admit card from the third respondent dated 30.09.2024. The petitioner was also willing to avail on-campus hostel facility to be provided by the third respondent. However, the hostel fee charged by the third respondent is exorbitant and differential for NRI/NRI sponsored quota students as opposed to the other category students. As per the second respondent's fee structure for availing hostel accommodation under NRI/NRI sponsored quota, students are required to pay a refundable caution deposit of a sum of US \$ 15,000 whereas, the other category students are required to deposit only Rs.10,000/- (Rupees Ten Thousand Only). Though the caution deposit is refundable, it is exorbitant and also differential from the other category students. Further, the petitioner had already paid caution deposit under the head of college fees to the tune of US \$ 15,000. As per the fee structure for NRI/NRI sponsored candidates, the candidates have to pay caution deposit under the head of hostel fees also. Though the petitioner challenged the entire fee structure for NRI/NRI sponsored candidates, the learned counsel for the petitioner now restricted his challenge of the fee structure only in respect of caution deposit under head of hostel fees.

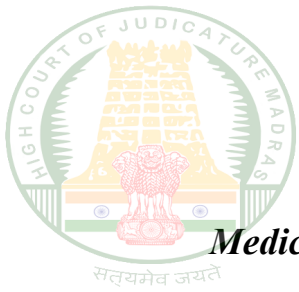


W.P.No.36864 of 2024

3. On a perusal of the counter affidavit filed by the third respondent and also the submissions made by Mr.J.Kumaran, learned Additional Government Pleader (Puducherry), it is revealed that after having been paid the fee under the NRI/NRI sponsored category, the petitioner joined in the third respondent College. Therefore, now he cannot challenge the fee structure issued by the third respondent to avail hostel accommodation. In fact, the fees structure has been fixed with the approval of the Chairman of the third respondent College based on the recommendations of the Fee Committee constituted for this purpose. Further, the fees charged from the students for the academic year 2024-25 are in respect of college fees, hostel fees and caution deposit for hostel. Therefore, the petitioner cannot be heard to contend that the same is arbitrary. Further, the caution deposit amount is refundable one and the amount which are collected from the NRI students are utilized for economically weaker or backward sections students, who are admitted in those colleges.

4. In support of his contention, the learned Government Advocate relied upon the judgment of the Hon'ble Apex Court in S.L.P.Nos.9885-9888 of 2020 [*State of Kerala and Ors. Vs. The Principal, KMCT*

Page Nos.4/9



W.P.No.36864 of 2024

Medical College and Ors.] in which the Court referred the case of **P.A.Inamdar and Ors. vs. State of Maharashtra**, wherein, the Hon'ble

Supreme Court held that the idea of charging higher fees to NRI students is in order to subsidize education for students from economically weaker or backward sections of society, who are admitted to those colleges. This aligns with the ideals of a welfare State. Therefore, the excess fees collected from the NRI cannot be construed as arbitrary.

5. Learned Government Advocate also produced Information Brochure (CENTAC 2024-2025) - Annexure No.I (13) - NRI Relationship Certificate, in which, the petitioner had categorically admitted to pay the entire fees as per the brochure.

6. On a perusal of the records, particularly, fee structure in Mahatma Gandhi Post Graduate Institute of Dental Sciences enclosed in the typed set of papers filed by the petitioner, reveals that fee structure for NRI/NRI sponsored students in respect of tuition fee alone is higher than the general category and caution deposit was collected for college fees alone, whereas, on a perusal of brochures of centres for the academic year 2024-25 issued for the colleges, it is seen that the third respondent



W.P.No.36864 of 2024

College alone fixed caution deposit of US \$ 15,000 for the hostel fees.

WEB COPY

7. Admittedly, the petitioner had deposited caution deposit under the head of college fees to the tune of US \$ 15,000. Once again, the third respondent insisted the petitioner to make caution deposit under the head of hostel fees to the tune of US \$ 15,000. Though the caution deposit is refundable one and the amount collected from the NRI/NRI sponsored students are utilized for the welfare of the economically weaker section students, it is arbitrary, illegal and unjustifiable since already the petitioner had deposited the caution deposit under the head of college fees. Therefore, the third respondent once again cannot insist the petitioner to make deposit under the head of hostel fees caution deposit. Insofar as other fees under various heads are concerned, the petitioner had already paid fees as per the fee structure for NRI/NRI sponsored students.

8. In view of the above, the fee structure for academic year 2024-25 of the second respondent for admission into the third respondent hostel under the caption 'B - hostel fees' in Sl.No.1 Caution Deposit (Refundable) alone is declared as arbitrary, illegal and unjustifiable.



W.P.No.36864 of 2024

Therefore, the third respondent College is hereby directed to not to charge caution deposit under the head of hostel fees caution deposit from the students for the academic year 2024-25.

9. Accordingly, the writ petition is partly allowed. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

03.09.2025

Index: Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No
ms



WEB COPY



W.P.No.36864 of 2024

To

1. The Under Secretary to Government,
The Government of Puducherry,
Department of Health and Family Welfare Services,
Puducherry – 605 001.
2. The Convenor,
Centralized Admission Committee (CENTAC),
Government of Puducherry,
Kamarajar Mani Mandapam,
Lawspet, Puducherry – 605 008.
3. The Dean,
Indira Gandhi Medical College and Research Institute,
Kathirkamam, Puducherry – 605 009.



WEB COPY



W.P.No.36864 of 2024

G.K.ILANTHIRAIYAN, J.

ms

W.P.No.36864 of 2024

03.09.2025