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W.P.No.37389 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :03.02.2025

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR. JUSTICE K.RAJASEKAR

W.P.No.37389 of 2024

Dhanalakshmi Srinivasan University,
Represented by its Authorized Signatory,
Samayapuram, Tiruchirapalli – 621 112.

... Petitioner

Vs.

1.The State of Tamil Nadu,
Represented by its Principal Secretary,
Department of Health and Family Welfare,
Fort St.George, Chennai – 600 009.

2.The Chairman,
Committee on Fixation of Fee in respect of
Self-financing Professional Colleges,
F-1, DOTE Staff Quarters,
Gandhi Mandapam Road,
Chennai – 620 025.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus, directing the 2nd respondent committee to consider the representation dated 13.03.2024 submitted by the petitioner and consequently take necessary action to fix the fee to be charged by the constituent colleges of the petitioner University viz., the Srinivasan Medical College and Hospital and Dhanalakshmi Srinivasan Institute of Medical



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sciences and Hospital in the MBBS course for the forthcoming academic year 2025-2026, 2026- 2027 and 2027-2028 by following due procedure.

For Petitioner : Mr.Vijaynarayanan,
Senior Counsel for Mr.Abishek Jenasen

For Respondents : Mrs.M.Sneha, Special Counsel for R1
Mr.J.Ravidran, Additional Advocate General
Mr.D.Ravichander
Special Govt. Pleader (for R2)

ORDER

(Order of the Court was made by *S.M.SUBRAMANIAM, J.*)

The Writ of Mandamus has been instituted to direct the 2nd respondent committee on fixation of fee in respect of self financing professional colleges to consider the representation of the petitioner dated 13.03.2024 to fix the fee to be charged by the constituent colleges of the petitioner University viz., the Srinivasan Medical College and Hospital and Dhanalakshmi Srinivasan Institute of Medical sciences and Hospital in the MBBS course for the forthcoming academic year 2025-2026, 2026-2027 and 2027-2028 by following due procedure.

2. The Government constituted committee on fixation of fee in respect of self financing professional colleges. It is needless to state that the committee will deliberate into the issues and take a decision in accordance with law. The present Writ Petition is not only premature, but the petitioner has not



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established any cause of action. The petitioner, except by stating that fee charged is to be fixed, no grievance has been raised. The relief sought for in the present Writ Petition is to fix fee to be charged for the forthcoming academic year 2025-2026. Such a relief cannot be entertained.

3. High Court under Article 226 is not expected to issue a common direction to dispose of the representation in a routine manner. The authorities, statutory bodies or the committees constituted under law is expected to perform their duty in the manner contemplated. High Courts in the event of issuing any such general direction fixing outer time limit to dispose of the representation, the same may cause either prejudice or would result in unnecessary pressure on the committee. Such deliberation require hearing of parties and a final decision is to be taken considering various factors. Therefore, it is for the committee to take a decision in accordance with law and the High Courts need not issue any such direction fixing outer time limit as such sought for in the present Writ Petition.

4. The Constitutional Bench of the Hon'ble Supreme Court of India in the case of ***High Court Bar Association Allahabad Vs. The State Of Uttar***



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Pradesh¹ paragraph 27.03 as follows,

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"Constitutional Courts, in the ordinary course, should refrain from fixing a time-bound schedule for the disposal of cases pending before any other Courts. Constitutional Courts may issue directions for the time-bound disposal of cases only in exceptional circumstances. The issue of prioritising the disposal of cases should be best left to the decision of the concerned Courts where the cases are pending; "

5. Therefore, it is for the committee to decide the issues on Board and the petitioner therefore is at liberty to approach the committee in the manner contemplated.

6. With these observation, the Writ Petition stands dismissed. No costs. Consequently, the connected Miscellaneous Petition is closed.

[S.M.S., J.] [K.R.S., J.]
03.02.2025

Index: Yes/No
Speaking/Non-speaking order
gd

To

1. The Principal Secretary,

¹ 2024 6 SCC 267



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Department of Health and Family Welfare,
Fort St.George, Chennai – 600 009.

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2.The Chairman,
Committee on Fixation of Fee in respect of
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