



W.P.(MD).No.2886 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON: 20.01.2025

DELIVERED ON: 31.01.2025

CORAM

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

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V.Senthilkumar

...Petitioner

Vs

1.The Vice Chancellor,
Manonmaniam Sundaranar University,
Tirunelveli – 12.

2.The Registrar,
Manonmaniam Sundaranar University,
Tirunelveli – 12.

3.The Head of the Department,
M.Tech (CITE) Department,
Manonmaniam Sundaranar University,
Tirunelveli – 12.

4.The Secretary to the Government,
Adhi Dravidar and Schedule Tribe
Welfare (ADW-3) Department,
Fort St.George,
Chennai – 600 009.

... Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a Writ of Mandamus, directing the respondents 1 to 4 to waive the complete course fee of Rs.93,460/- to the petitioner by implementing the guidelines laid down in G.O.Ms.No.92 11.09.2012 and to declare M.Tech., (Computer and Information Technology) Final year (3rd and 4th Semesters) result, to issue mark list and degree certificate of the petitioner for 3rd and 4th semesters by taking into account the representation dated 12.12.2015.

For Petitioner : Ms.A.Rajini

For R-1 to R-3 : Mr.M.Mohamed Nihal
For M/s.Ajmal Associates

For R-4 : Mr.J.K.Jeyaseelan
Government Advocate

ORDER

Heard Ms.A.Rajini, learned counsel for the petitioner, Mr.M.Mohamed Nihal, learned counsel, for M/s.Ajmal Associates for the respondents 1 to 3 and Mr.J.K.Jeyaseelan, learned Government Advocate for the 4th respondent.



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2. This Writ Petition has been filed praying for a Mandamus, directing the respondents 1 to 4 to waive the complete course fee of Rs.93,460/- to the petitioner by implementing the guidelines laid down in G.O.Ms.No.92 11.09.2012 and to declare M.Tech., (Computer and Information Technology) Final year (3rd and 4th Semesters) result, to issue mark list and degree certificate of the petitioner for 3rd and 4th semesters by taking into account the representation dated 12.12.2015.

3. The learned counsel for the petitioner would submit that the petitioner belongs to Scheduled Caste community and was granted admission to the respondent University for M.Tech., course for the year 2013-2015. As per the Government Order in G.O.Ms.No.92 Adi Dravidar and Scheduled Tribe Welfare Department dated 11.09.2012, he is entitled to a scholarship. However, a demand was made to the petitioner calling upon him to pay the entire course fee for sum of Rs.93,460/-. Initially, the respondent University refused to provide the petitioner with his hall ticket, which was only obtained after repeated requests. Furthermore, the respondent University has also withheld the petitioner's mark sheet and degree certificate, thereby causing him undue hardship. She would vehemently contend that as per the said



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Government Order, the petitioner is exempt from paying the course fee demanded by the respondent University. Despite multiple requests to waive the fee in accordance with the Government Order, the respondent University has not taken any action. Consequently, the petitioner has approached the Court to waive the entire course fee of Rs. 93,460/- and to declare the M.Tech. final year results, and issue the mark list and degree certificate. She would submit that the Government Order in G.O.Ms.No.92 Adi Dravidar and Scheduled Tribe Welfare Department dated 11.09.2012, envisage that the Government is responsible for paying the college fees, as fixed by the Colleges Fee Committee, as a scholarship. Since the petitioner belongs to the Scheduled Caste (SC) community, he is entitled to this scholarship. Therefore, the respondents cannot deny the degree certificate to the petitioner without extending the benefit of this scholarship.

4. On the contrary, the learned Counsel appearing on behalf of the respondents 1 to 3 would submit that the petitioner is not entitled to the benefits under G.O.Ms.No.92, as the University is not a Self Finance college. He would also submit that the application of Tamil Nadu Educational Institutions (Prohibition of Collection of Capitation) Fee



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Act, 1992, is also not applicable to the University, as it is a statutory University and not a Self-Finance college. Therefore, he would submit that the petitioner is not entitled to protection under G.O.Ms.No.92 and is liable to pay the entire fees payable to the respondent University. He would further submit that since the petitioner has not cleared the 3rd and 4th semesters, he is not eligible to receive the degree certificate.

5. The learned Government Advocate appearing on behalf of the 4th respondent would submit that the petitioner had, in fact, benefited from the scholarship under G.O.Ms.No.92. The course fees and maintenance fees, to which a Scheduled Caste candidate is entitled, were directly credited to the petitioner's account, bearing Account No. 6167891968, maintained with the Indian Bank, M.S. University branch, Abishekapatti. He would submit that the total course fee of Rs.98,420/- was also credited to the petitioner's account, bringing the total amount to Rs.1,22,420/-. Therefore, the petitioner has already availed the benefit of G.O.Ms.No.92. Since the petitioner has received the course fee amount, they cannot claim that the respondent University should also waive the course fees. If such claim is entertained, it would result in unjust enrichment to the petitioner.



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6. I have considered the submissions made on either side and perused the materials available on record.

7. The primordial contention of the petitioner is that the petitioner is entitled for the benefit of G.O.Ms.No.92 issued by the Adi Dravidar and Scheduled Tribal Welfare Department dated 11.09.2012. From the statement made by the learned Government Advocate appearing on behalf of the fourth respondent, it is to be seen that a sum of Rs.1,22,420/- had been credited to the account of the petitioner in the account maintained by him at the Indian Bank, MS University Branch, Abhishekapatti. The said amount represented not only the course fees demanded by the respondent University but also included a maintenance charge of Rs.24,000/-, which was available to the petitioner. Having received the course fee from the Government, it is the petitioner's obligation to remit the same to the respondent University. The petitioner cannot retain the amount received under G.O.Ms.No.92 and simultaneously seek a waiver of the same amount from the University, citing the same Government Order. This would indeed constitute unjust enrichment, as rightly pointed out by the learned Government Advocate.



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8. In such view of the matter, I am not inclined to grant the relief of waiver sought by the petitioner. However, the petitioner is entitled to the consequential relief of receiving his mark sheet and degree certificate, having completed his degree course. The learned Counsel for the respondent University had produced the mark sheets of 3rd and 4th semesters of the petitioner which reveal that the petitioner has not successfully completed these semesters, thereby dis-entitling him to the grant of a degree certificate. In such view of the matter, I do not find any merits in the Writ Petition and the writ petition is liable to be dismissed.

9. However, considering the fact that the petitioner had not cleared the 3rd and 4th semesters in certain subjects, it is open to him to approach the respondent University to appear for supplementary examination, thereby providing him an opportunity to clear the pending subjects. As the petitioner's results were not declared due to the pending Writ Petition, and it was only upon the Court's direction to produce the mark sheet and degree certificate that it was revealed the petitioner had not cleared the examination, the rule stipulating the time period for completing the course shall stand excluded in the peculiar facts and circumstances of the case. If the petitioner submits an application to



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re-take the examinations for the subjects he failed, the respondent University shall permit him to appear for the examination, on the condition that he first remits the course fee, disbursed to him by the Government, to the University.

10. Accordingly, the Writ Petition stands dismissed. There shall be no order as to costs.

31.01.2025

NCC:yes/no
Index:yes/no
Internet:yes/no
Nsr



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To:
WEB COPY

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K.KUMARESH BABU, J.

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