



WP No. 7969 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13-03-2026

CORAM

THE HON'BLE MR JUSTICE M.DHANDAPANI

W.P.No.7969 of 2022

and

W.M.P.No.7952 of 2022

Dr.L.Jai Ganesh

..Petitioner(s)

Vs

1. The Registrar
The Tamil Nadu Dr. M.G.R. Medical
University,
69, Anna salai, Guindy,
Chennai-32.
2. The Director
National Institute of Siddha,
Tambaram Sanatorium,
Chennai-47

..Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for the records relating to the impugned order of the second respondent in F.No. NIS /4-79/Aca /Stud. Corres /2020 dated 18.09.2020 and quash the same in so far as the reckoning of the break in study period as 422 days and denial of the stipend from 01.11.2021 to 26.12.2022 is concerned and direct the Respondents to reckon the break in study period as 7 months and 26 days (25-07-2019 to



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11.03.2020) as reckoned and condoned by the First Respondent University in Lr.No.ACIII (1) / 15375 / 2020 dated 14.09.2020 and consider the 186 days from 11.03.2020 to 18.09.2020 as study period and accordingly restructure the petitioner's course period and pay stipend for the said period and also from 01.11.2021 till the date of completion of his course and allow him to appear in the examinations by reckoning the said period from 11.03.2020 to 18.09.2020 as study period within a time limit to be stipulated by this court.

For Petitioner : Mr.P.Manojkumar

For Respondents : Mr.Hari Radhakrishnan – for R1
Ms.Y.Kavitha
for M/s.Giridhar & Sai – for R2

ORDER

This Writ Petition has been filed challenging the impugned order of the second respondent in F.No. NIS /4-79/Aca /Stud. Corres /2020 dated 18.09.2020 and quash the same insofar as the reckoning of the break in study period as 422 days and denial of the stipend from 01.11.2021 to 26.12.2022 is concerned and for a consequential direction to the respondents to reckon the break in study period as 7 months and 26 days (25-07-2019 to 11.03.2020) as reckoned and condoned by the first respondent University in Lr.No.ACIII (1) / 15375 / 2020 dated 14.09.2020 and consider 186 days from 11.03.2020 to 18.09.2020 as study period and accordingly, restructure the petitioner's course



period and pay stipend for the said period and also from 01.11.2021 till the date of completion of his course and allow him to appear in the examinations by reckoning the said period from 11.03.2020 to 18.09.2020 as study period within a time limit stipulated by this Court.

2. The petitioner is studying M.D.Siddha Degree Course in the National Institute of Siddha, Tambaram Sanatorium, Chennai, which is affiliated to Tamil Nadu Dr.MGR Medical University. His duration of course was for three years i.e., from 01.11.2018 to 31.10.2021. He had to go on a break from 25.07.2019 and submitted an application for leave on loss of pay. Thereafter, he sent a request to the second respondent to condone the break in study and allow him to rejoin and continue the course on 27.02.2020, which was forwarded to the first respondent University on 11.03.2020. Pursuant to the same, the first respondent asked the petitioner to pay a sum of Rs.17,700/- for condonation of break in study, which was paid and thereafter, by a communication dated 14.09.2020, the period of break in study for a period of 7 months and 16 days was condoned permitting him to continue the balance period of first year course of study, in which, the petitioner discontinued the course. It was also informed that the petitioner is not entitled for stipend during the break in study period.



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3. The petitioner challenges the impugned order dated 18.09.2020 on the ground that the break in study period is only for a period of 7 months and 16 days ie., from 25.07.2019 to 11.03.2020, however in the impugned order the break in study period has been calculated as 422 days ie., for the period from 25.07.2019 to 18.09.2020. It is the contention of the petitioner that the period taken by the first respondent University to condone the period of break-in-study has been reckoned as break, which ought not to have been calculated as the petitioner cannot be penalised for the administrative delay caused on the part of the first respondent University and on that ground, he cannot be denied the stipend. He also challenges the extension of his course period reckoning the break in study period, for no fault of him, of course there was break-in-study but not for the huge period as calculated by the second respondent.

4. Heard the learned counsel for the petitioner, who reiterated the grounds of challenge set out in the affidavit filed in support of the writ petition and seeks to interfere with the impugned order.



5. Heard the learned counsel for the respondents. A counter affidavit has been filed by the second respondent stating that, the total duration of the course is 3 years ie., 36 months from November 2018 to October 2021. However, the petitioner has discontinued the course abruptly without any prior intimation or approval from the competent authority of the 2nd respondent Institute on 25.07.2019. Thereafter, the petitioner did not report to the 2nd respondent for the next 7 months and 26 days. He submitted a request to the Director of the second respondent Institute seeking permission to rejoin the course by condoning the break in study period. The second respondent Institute follows the rules and regulations framed by the first respondent and the said request of the petitioner was forwarded to the first respondent University. It is stated that due to the onset of COVID-19 pandemic, there was a delay in consideration of the petitioner's request by the first respondent and the petitioner was sent the impugned communication dated 18.09.2020 asking him to rejoin the course.

6. Thereafter, the petitioner rejoined the course on 19.09.2020 and since the petitioner did not attend the course during the period from 25.07.2019 to 18.09.2020 (421 days), he is not eligible for stipend and moreover, it is admitted in his re-joining letter that he was in break-in-study from 25.07.2019 to till date



(18.09.2020). With regard to the extension of course period, the 2nd respondent states that the course period of the petitioner was extended only because he has discontinued the course, which is in violation of the prospectus issued at the time of joining the course, and the same is binding on both parties. Clause 15 (1) and (3) deals with discontinuation of course and break-in-study, which speaks for itself. Therefore, the impugned order is fully sustainable and the writ petition deserves to be dismissed.

7. Heard the submissions made by the learned counsel for both sides and perused the materials placed on record.

8. Admittedly, the petitioner absented himself from attending the course from 25.07.2019 and pursuant to his request to condone the delay, the same was condoned and he was permitted to rejoin the course by extending the course period. Pursuant to the impugned order dated 18.09.2020, the petitioner has himself admitted in his re-joining letter in his own handwriting that he was in break-in-study from 25.07.2019 to till date viz., 18.09.2020 and the first respondent University has issued condonation order dated 14.09.2020. The letter states that the petitioner's break of study period was condoned and he



sought permission to rejoin the course from 18.09.2020, in which he discontinued his course and shall, after fulfilment of the regulations of the university to the course concerned, be admitted to the examinations. As has been rightly pointed out by the learned counsel for the second respondent, the petitioner is bound by the prospectus, wherein under Clause 15, the discontinuance / unauthorised absence is dealt with, wherein it is provided that, unauthorised absence by the candidate continuously for 30 days and above from the date of commencement of the course will be treated as 'discontinuation of the course' and the students are not entitled for stipend during the break period and the extended period of study. Hence, the challenge now made by the petitioner will not hold good, as the petitioner's request for condonation of the break-in-study was condoned by the University, of course, with a delay. That apart, the break in study period is substantiated by the second respondent by relying upon the attendance register, which again is disputed by the petitioner and hence, since disputed questions of facts are involved, the petitioner cannot seek the relief as sought for by him in the present writ petition. His re-joining has been permitted and he has also been permitted to write the examinations by the University.



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9. Therefore, finding no merit in the writ petition, this Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

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Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

ssb

To

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