



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07-01-2026

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THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

WP Nos. 29623 & 29884 of 2022

AND

WMP Nos.29009, 29012, 29015, 29271 & 29272 of 2022

WP Nos. 29623 of 2022

Sri Manakula Vinayagar Medical
College and Hospital,
Rep. by the Registrar,
T. Dhatchinamurthy, Kalitheerthalkuppam,
Madagadipet, Puducherry - 605 107.

Petitioner

Vs

1. The Chief Secretary,
Government of Pondicherry,
Chief Secretariat, Pondicherry.
- 2.The Secretary to Government (Health),
Chief Secretariat (Health),
Government of Puducherry,
Puducherry -605 001.
- 3.The Under Secretary to Government (Health),
Chief Secretariat (Health),
Government of Puducherry, Puducherry-605 001.
- 4.The Convenor,
Centralized Admission Committee (CENTAC),
Pondicherry Engineering College Campus,
Pillaichavadi, Puducherry- 605 014.
- 5.The Chairman,
Fee Fixation Committee,
Government of Puducherry, Pondicherry.

Respondents



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1. Pondicherry Institute of Medical Sciences,
Represented by its Chairman Mr.M.M. Phillip,
Kalapet, Puducherry -605 014.

2.PIMS College of Nursing,
Represented by its chairman Mr.M.M. Phillip,
Kalapet, Puducherry - 605 014.

Petitioners

Vs

1. Government of Puducherry,
Represented by its Under Secretary (Health)
Health Department,
Chief Secretariat, Puducherry.

2.The Fee Committee,
Represented by its Chairman,
Government of Puducherry, Puducherry.

3.Centralized Admission Committee,
Rep. by Coordinator (Admission),
Government of Puducherry,
Pondicherry Engineering College Campus,
Puducherry - 605 014.

Respondents

WP No. 29623 of 2022

Prayer: Writ Petition filed under Article 226 of the Constitution of India for the issuance of Writ of Certiorarified Mandamus, to call for the records pertaining impugned Order passed by the third respondent vide impugned G.O.Ms.No. 79, dated 28.10.2022 and quash the same and consequently direct the first to fourth respondents to upheld the Fee Structure fixed by the fifth respondent Fee Committee, vide its order dated 28.10.2021, 06.10.2022 and 17.10.2022 for the students so to be allotted seats in the counselling and getting admitted, in the UG and PG Medical Course in the Petitioner institution for the academic year 2022-2023.



WP No. 29884 of 2022

Prayer: Writ Petition filed under Article 226 of the Constitution of India for the issuance of Writ of Certiorari to call for the records of the first respondent in its order dated 28.10.2022 in G.O.Ms.No.79, Chief Secretariat (Health) and quash the same.

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For Petitioner: Mr.B.Balavijayan

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

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For Petitioners: Mr.Abishek Jenasenan

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

COMMON ORDER

These writ petitions are connected with each other and are taken up together and disposed of by this common order.

2. The private medical institutions are before this Court challenging G.O. Ms.No.79 dated 28.10.2022 passed by the Government of Puducherry. By the impugned Government Order, the Government of Puducherry superseded the fee fixed by the Fee Committee for the academic year 2022–2023 and fixed its own rate.



3. Upon hearing the learned counsel appearing on behalf of the petitioners, the grievance of the petitioner institutions is that the Government of Puducherry itself has framed regulations constituting a Fee Committee for the purpose of fixing fees. When the statutory committee has followed due procedure in accordance with law and fixed the fee, the Government cannot unilaterally supersede the same by passing a Government Order in exercise of its executive power. There is no jurisdiction for the government to pass such order. Therefore, the petitioners pray to quash the Government Order.

4. Per contra, the learned Additional Government Pleader appearing on behalf of the respondents would submit that the specific circumstances under which the Government passed the order are mentioned therein, only because certain parameters were not submitted by the colleges before the Fee Committee, the Government was constrained to pass the order.

5. Be that as it may, it can be seen that as per the regulations, the Fee Committee is supposed to fix the fee once in three years. It is stated that pursuant to the impugned order, when the petitioner institutions approached this Court, there was an interim order and accordingly, the institutions collected the fee as per the Fee Committee fixation itself and the students have also completed the respective years of the courses by paying the fee fixed by the Fee



Committee. Subsequently, now we are in the year 2026 and the Fee Committee has even made a subsequent fixation for the three years starting from 2023–2024 upto 2025–2026. The Fee Committee will also further fix the fee for the next three years starting from 2026–2027. Therefore, the grievance of the petitioners is no longer alive, as the Government cannot now implement G.O.Ms.No.79 dated 28.10.2022, since subsequent fixation has also been done.

6. The prayer made in the writ petitions have become infructuous for all practical purposes. Therefore, leaving open the question raised by the petitioners with reference to the jurisdiction of the Government of Puducherry to pass such Government Orders, the writ petitions stand *disposed of*, as the concerned academic year is over and the fee has already been collected based on the Fee Committee's recommendation and there has been subsequent fixation by the Fee Committee. Consequently, connected miscellaneous petitions are closed. No costs.

07-01-2026

Neutral Citation: Yes/No

ns1



To

1. The Chief Secretary,
Government of Pondicherry,
Chief Secretariat, Pondicherry.

2. The Secretary to Government (Health),
Chief Secretariat (Health),
Government of Puducherry,
Puducherry -605 001.

3. The Under Secretary to Government (Health),
Chief Secretariat (Health),
Government of Puducherry, Puducherry-605 001.

4. The Convenor,
Centralized Admission Committee (CENTAC),
Pondicherry Engineering College Campus,
Pillaichavadi, Puducherry- 605 014.

5. The Chairman,
Fee Fixation Committee,
Government of Puducherry, Pondicherry.

6. The Under Secretary (Health),
Health Department, Government of Puducherry,
Chief Secretariat, Puducherry.

7. The Chairman,
The Fee Committee,
Government of Puducherry,
Puducherry.

8. The Coordinator (Admission)
Centralized Admission Committee,
Government of Puducherry,
Pondicherry Engineering College Campus,
Puducherry - 605 014.



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WP No. 29623 of 2022



D.BHARATHA CHAKRAVARTHY J.

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