

W.P.No.39756 of 2024 etc

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 13.10.2025

PRONOUNCED ON : 13.11.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.Nos.39756, 39578 of 2024 &
4456, 7477, 12260, 16611, 16742, 18469, 22093, 22095,
22096, 22098, 35437, 35471, 35703, 35910 of 2025

and

W.M.P.Nos.13839, 18782, 18790, 18972, 18973, 20692, 20693, 24854,
24857, 24859, 24862, 39658, 39659, 39699, 39702, 39957, 39962,
40169 & 40172 of 2025

W.P.No.39756 of 2024 :-

R.K.Sarathkumaran

... Petitioner

Vs.

1. The Chairman,
Chettinad Academy of Research and Education (CARE),
(Deemed to be University)
Rajiv Gandhi Salai, Padur,
Kelambakkam,
Kancheepuram District – 603 103.

2. The Vice Chancellor,
Chettinad Academy of Research and Education (CARE),
(Deemed to be University)
Rajiv Gandhi Salai, Padur,
Kelambakkam,
Kancheepuram District – 603 103.



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3. The Registrar,

Chettinad Academy of Research and Education (CARE),
(Deemed to be University)
Rajiv Gandhi Salai, Padur,
Kelambakkam,
Kancheepuram District – 603 103.

4. The Dean,

Chettinad Academy of Research and Education (CARE),
(Deemed to be University)
Rajiv Gandhi Salai, Padur,
Kelambakkam,
Kancheepuram District – 603 103.

5. The Vice Principal,

Chettinad Academy of Research and Education (CARE),
(Deemed to be University)
Rajiv Gandhi Salai, Padur,
Kelambakkam,
Kancheepuram District – 603 103.

6. The Dean Secretary,

Chettinad Academy of Research and Education (CARE),
(Deemed to be University)
Rajiv Gandhi Salai, Padur,
Kelambakkam,
Kancheepuram District – 603 103.

7. The Chairman,

National Medical Commission,
Pocket-14, Sector-8,
Dwaraka Phase-I,
New Delhi – 110 077
(R7 Suo Motu impleaded as
per the order dated 05.02.2025
in W.P.No.39756 of 2025)



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8. The Chairman,
University Grants Commission,
Bahadur Shah Zafar Marg,
New Delhi – 110 002.
(R8 Suo Motu impleaded as
per the order dated 07.02.2025
in W.P.No.39756 of 2025)

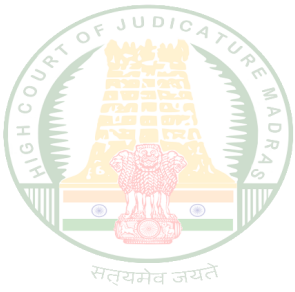
... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the fourth respondent to permit to attend the internship and not to collect the miscellaneous/additional fee in the form of Break Fee.

For Petitioner	: Mr. T.Gowthaman, Senior Counsel For Mr.R.Swarnavel
For Respondents	
For R1 to R6	: Mr.M.S.Krishnan, Senior Counsel, For Mr.T.Balaji
For R7	: Mr.B.Rabu Manohar, Special Panel Counsel
For R8	: Mrs.V.Sudha Special Panel Counsel

COMMON ORDER

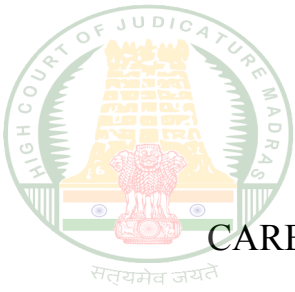
All the Writ Petitions have been filed to direct the respondents to implement the fee structure prescribed by the Fee Fixation Committee and to direct the respondents/College not to charge additional tuition fee in the form of Break Fee/miscellaneous fee and to release the original educational certificate to all the petitioners to pursue their further career.



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WEB COPY 2. The issues involved in all these Writ Petitions are similar in nature and therefore this Court is inclined to pass a common order.

3. All the petitioners had joined in the Chettinad Academy of Research and Education (Deemed to be University) (hereinafter referred to as “the CARE University”) in the academic year 2014-15, 2017-18 & 2018-19 in the MBBS course under the management quota. They passed all the examinations conducted by the CARE University in nine semesters. Though they had arrears in some papers, they subsequently cleared all the papers in the following academic years. However, all the petitioners have to complete their internship to get their MBBS degree certificate. Though the petitioners had written supplementary examinations and passed all the examinations, they did not undergo any extra classes. Till the beginning of their internship, the CARE University did not speak about the break fee. All of a sudden, they had asked the petitioners to pay a sum of Rs.2,00,000/- per subject per arrear exam, in addition to Rs.35,000/- as exam fee. Further the petitioners were served with a calculation memo and a demand notice to the tune of Rs.2,00,000/- per arrear paper. They had also received E-mail from the



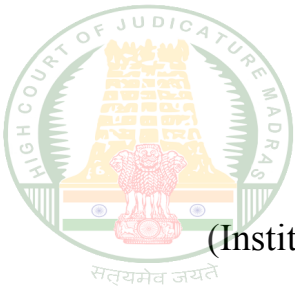
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CARE University to remit the break fee within a stipulated time. Though

the petitioners approached the CARE University and sought for explanation for the demand, the petitioners were not explained in respect of the demand. Once again, the petitioners were informed by a reminder to pay the break fee. Since the petitioners did not pay the break fee, the CARE University blocked the petitioners' access from entering into the college and face identity access was also denied. Face identity entry is mandatory for claiming stipend. Further the CARE University also informed the concerned departments not to permit the petitioners to attend internships without payment of break fee. The petitioners were not provided with P1 provisional certificates because of the non payment of break fee. Hence, the present Writ Petitions.

4. Mr.T.Gowthaman, learned Senior Counsel appearing for the petitioners submitted that the demand of break fee is arbitrary and without jurisdiction. They cannot collect excess fee apart from the fee fixed by the Fee Fixation Committee. The University Grants Commission (hereinafter referred to as “the UGC”) and the National Medical Council regulate the fee structure for all the deemed to be universities including the CARE University. As per the University Grants Commission

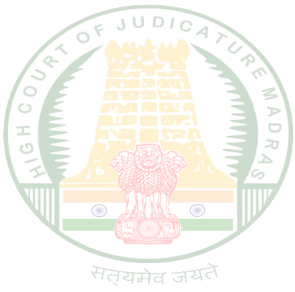


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(Institution deemed to be universities) Regulations, 2023 (hereinafter referred to as UGC Regulations, the deemed to be universities have to

frame fee structure as per the fee fixed by the Government or by the Commission on this behalf from time to time. As per Section 3 of the University Grants Commission (Institution deemed to be universities) Act, 1956 (hereinafter referred to as “UGC Act”), the CARE University is amenable to all the stipulations of UGC Act including its fee structure.

4.1. By virtue of Government order in G.O.Ms.No.226, Higher Education (J2) Department, dated 11.07.2007, a committee was constituted for fixation of fee for the deemed to be universities under the chairmanship of a retired Judge of this Court. Accordingly, a sum of Rs.13,00,000/- was fixed as tuition fee for the relevant year. It also prohibits collection of capitation fee in all forms and instructed all the deemed to be universities not to fleece the students by any fee or charges other than what was declared to them at the time of admission in the prospectus. Any such additional demand is unlawful and without any authority.

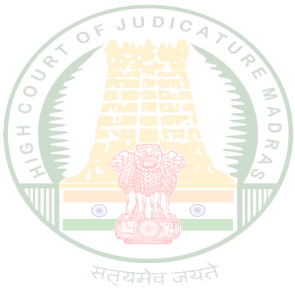


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4.2. Section 24 of the UGC Act, r/w. UGC Regulations,

prohibits collection of capitation fee in any form. However, the CARE University had made a demand apart from that of the fee fixed by the Committee. In fact, UGC issued public notice dated 27.11.2019, thereby directing all the deemed to be universities to not levy any fee or charges other than what was prescribed by the Fee Fixation Committee. He also relied upon the judgment of the Hon'ble Supreme Court of India reported in *2022 Live Law (SC) 501* in the case of *L.Nageswara Rao Vs. Rashtreey Sikshana Samithi Trust.*, which clarified the earlier judgment of the Hon'ble Supreme Court of India reported in *(2002) 8 SCC 481* in the case of *T.M.A. Pai Foundation & Ors vs State Of Karnataka & Ors.*

4.3. He further submitted that in view of the interim order passed by this Court, all the petitioners had paid 40% of the demanded amount to the CARE University and they were permitted to attend the internship programme. Further those who had paid the fee as demanded by the CARE University were entitled for a refund with interest at the rate of 6% per annum, if they succeed in the present writ petitions. Hence, he prayed to allow all the writ petitions.

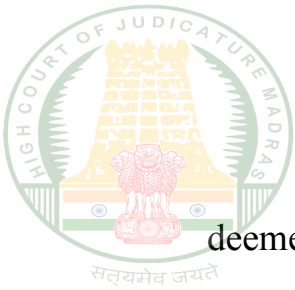


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5. The UGC filed counter and Mrs.V.Sudha, learned Special

Panel Counsel appearing for the UGC submitted that all the deemed to be universities are being regulated by the UGC Regulations and Clause 24 of the UGC Regulations provides for the provisions of admission and fee structure. Accordingly, seeking for donation or capitation fee in whatever nomenclature or form, either directly or indirectly, is strictly prohibited. All the deemed to be universities shall follow the rules and regulations regarding fee structure, number of seats etc., issued by the relevant statutory bodies and the fee shall be fixed transparently.

5.1. Further the fee shall be collected as declared in the prospectus of the institution deemed to be university and a proper receipt for such payment shall be provided and the prospectus shall also state that a donation or capitation fee in whatever nomenclature or form, either directly or indirectly, shall not be collected from the student or parents and in case of any grievance, the students or parents may submit their complaint to the institution deemed to be universities. The deemed to be universities shall not retain any original certificates of the students, faculty members or staff. As per Clause 13(2) of the UGC Regulations, the executive council shall be the final decision making body of the

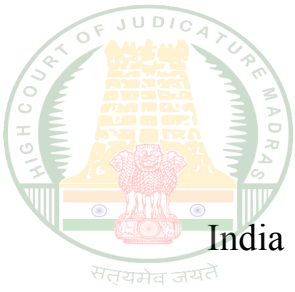


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deemed to be universities in respect of every matter such as - academic, administrative, personnel, financial or developmental. Thus, it is clear that the CARE University cannot collect any donation or capitation fee in any nomenclature or form and it shall also not retain original certificates of the students, faculty members or staff.

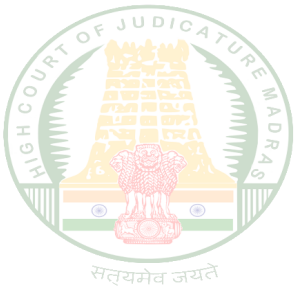
6. The CARE University filed counter and Mr.M.S.Krishnan, learned Senior Counsel appearing for the CARE University submitted that the issue of fee fixation for deemed to be universities had already been seized with by the UGC as well as the Hon'ble Supreme Court of India. Therefore, any fee issue cannot be raised before this Court and hence, these writ petitions themselves are not maintainable. The UGC had formed an expert committee with 11 members for fixation of fees in respect of deemed to be universities. In the meantime, the deemed to be universities levied tuition fee of Rs.25,00,000/- to 35,00,000/- under the management quota. It was challenged before this Court in W.P.No.16785 of 2018 and this Court by an order dated 08.06.2018, fixed the tuition fee as Rs.13,00,000/- as an interim arrangement till the Fee Fixation Committee determines the final amount. Aggrieved by the same, a Special Leave Petition was filed before the Hon'ble Supreme Court of



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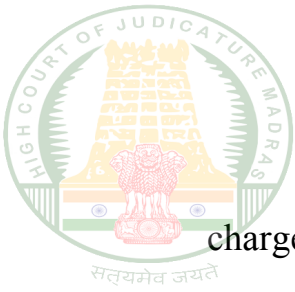
India in S.L.P.(C)No.15706 of 2018 and by way of interim order, the Hon'ble Supreme Court of India permitted the universities to levy the fees that they demanded ranging from Rs.22 lakhs, until the UGC committee determines the fees fixation and the SLP is still pending. Therefore, all these Writ Petitions are not maintainable before this Court.

6.1. He further submitted that the petitioners were demanded break fee for the supplementary classes attended by them. It was demanded for the purpose of conducting extra classes for the failed candidates. No stretch of imagination can amount to a donation or contribution that is received in the form of capitation. Therefore, the break fee is not an additional fee, but the tuition fees incurred for conducting the extra classes for failed students. Due to compliance to the regulations of the Medical Council of India, when the regulations mandate the extra classes to be conducted, the institutions are empowered to charge for those extra classes as they will form a part of the tuition fees. If the student passed the examination without failing in the first attempt, the requirement of extending the course period does not arise. The students avail every service offered by the CARE University all over again analogous to a student studying afresh.



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WEB COPY 6.2. In fact, the petitioners were admitted through management quota and even prior to their admission, they were provided with prospectus of the CARE University along with fee schedule for 4 ½ years during the course duration. Being aware of the entire fee structure and the dates on which such fee is due and payable, all the petitioners have entrusted themselves for MBBS degree course under the management quota. The period of course is 4½ years plus one year Compulsory Rotatory Residential Internship (hereinafter referred to as “CRRI”) under the management quota. Therefore, the very challenge of demand of break fee is nothing but an abuse of the order passed by the Hon’ble Supreme Court of India and it is baseless. All the petitioners failed multiple times due to various reasons. Therefore, they formed a separate break batch altogether for which, the CARE University ought to impart additional classes and additional clinic sessions for which additional costs will be incurred. Therefore, if a medical student doesn’t qualify in the semester examinations, the student will be required to attend extra classes for which, the facilities of the CARE University have to be utilized, until that student clears the examinations. Therefore, the CARE University has to conduct special classes or extra classes as break classes for which the



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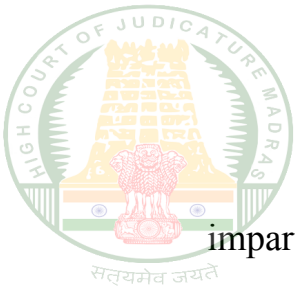
charge of Rs.1,75,900/- per subject for phase I MBBS course and Phase

III Part I, a sum of Rs.1,32,000/- per subject for Phase II and

Rs.1,31,900/- per subject for Phase III part II shall be levied.

6.3. He further submitted that as per the Graduate Medical Education Regulation and the National Medical Council Guidelines under the National Medical Council Act, if a student fails to score the minimum marks or if his/her attendance is less than 75% for theory and less than 80% for practical training, the student cannot appear in the supplementary examination following the regular annual examinations. Therefore, such students are required to take special classes and some of those classes are likely to be along with the junior batch commencing in the next academic year to compensate for their attendance deficit. So that the student will be eligible to appear in the supplementary examination in the next academic year. Therefore, the CARE University is entitled to collect break fee from the students who attended the break classes.

6.4. As per the regulations for the MBBS Course, the students will have to undergo 4½ years training which is divided into 9 semesters. The curriculum of the course and the manner in which it ought to be

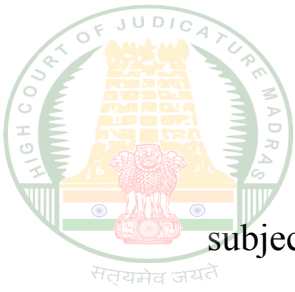


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imparted by the institution are found in the regulations. The student will have to successfully pass in the first professional examination before proceeding to Phase II training. The student who fails in the second professional examination will not be allowed to appear in the third professional Part I examination, unless the student passes all the subjects of second professional examination. However, passing in third professional Part I examination is not compulsory before entering into 8th & 9th semester training, however, passing the third professional Part I examination is compulsory for being eligible for third professional Part II examination. Apart from the theory classes, it includes clinical training, laboratory training, internal assessment (which includes both theory and practical) for proper conclusion of the course. Likewise 75% of attendance in a subject for appearing in the examination is compulsory and the students must have 80% attendance in non-lecture teaching ie., seminars, group discussions, tutorials, demonstrations, practicals, hospital (Tertiary, Secondary, Primary) posting and bed side clinics etc.

6.5. In fact, presently the CARE University charges a sum of Rs.1,75,900/- per subject for Phase I MBBS and Phase II Part I, a sum of Rs.1,32,000/- per subject for Phase II and a sum of Rs.1,31,900/- per



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subject for Phase III Part II as concessional rate for conducting extra

classes. The CARE University has its own Fee Fixation Committee

headed by an expert. The expert committee has been constituted in terms

of Rule 4.7, Annexure-I of the UGC (Institutions Deemed to be

University) Regulations 2010 as amended till 2018. Therefore,

mandatory supplementary classes were conducted for the students who

failed in the examinations during their MBBS Course, wherein the

petitioners took classes with the junior batch in order to complete their

MBBS Course. Therefore, the CARE University demanded break fee.

Further, the Graduate Medical Regulation, 1997 mandates the students to

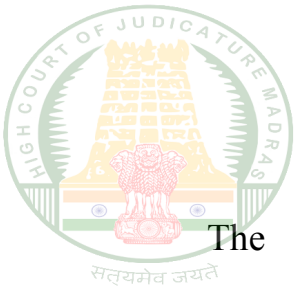
take supplementary classes to compensate their failure to pass the

examination or for attendance deficit as the case may be. Therefore, all

the Writ Petitions are devoid of merits and are liable to be dismissed.

7. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

8. All the petitioner had joined MBBS Course in the CARE University under the management quota. They were demanded break fee and were prevented from participating in their internship programme.



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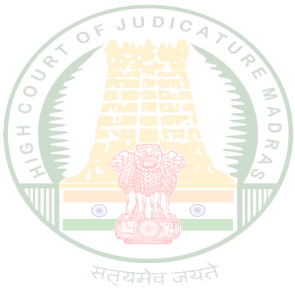
The CARE University also withheld the petitioners' provisional certificate and other certificates which were submitted at the time of their admission into the MBBS Course. The CARE University is a deemed to be university and it is regulated by the UGC (Institution Deemed to be Universities) Regulation, 2023. Clause 24 of the UGC Regulation provides for the provision of admission and fee structure as follows :-

"24. Admission and fees structure.

A. Admission - Admission of students to the institution deemed to be University, public or self-financing, shall be strictly based on merit in the entrance exam conducted by a Government Testing Agency or the institution deemed to be University and as prescribed by the appropriate statutory authority, wherever applicable and in case of no entrance examination, the admission of students to the institution deemed to be University may be made in the manner specified in the prospectus.

B. Fee structure :- (1) Donation or capitation fee in whatever nomenclature or form, either directly or indirectly, is strictly prohibited.

(2) The institutions deemed to be Universities shall follow the rules and regulations regarding fee structure, number of seats, etc., issued by the relevant statutory bodies and in case an institution deemed to be University offers different courses which come under the regulatory



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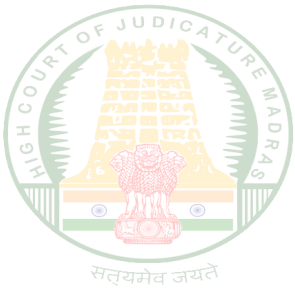
ambit of different statutory bodies, namely the University Grants Commission, the All India Council of Technical Education, National Medical Council etc., the rules and regulations regarding fee structure, number of seats, etc., issued by such statutory body concerned shall be applicable.

(3) The fee shall be fixed transparently, keeping in view non-profiteering or non-commercial aspects.

(4) The fee shall be collected as declared in the prospectus of the institution deemed to be University and with a proper receipt for such payment and the prospectus shall also state that donation or capitation fee in whatever nomenclature or form, either directly or indirectly, shall not be collected from the student or parent and in case of any grievance, the student or parent may submit their complaint to the institution deemed to be University.

(5) The institution deemed to be University may provide fee concession or scholarships or may allocate some seats to meritorious students belonging to socially and economically deprived groups of the society.

(6) The institution deemed to be University shall abide by all the University Grant Commission notifications, guidelines regarding the refund of fees and return of original certificates, as may be issued from time to time.



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(7) Every institution deemed to be University shall maintain the records of the entire process of selection of candidates, exhibit such records on its website, and preserve such records for a minimum period of five years.

(8) The institution deemed to be University shall make available the prospectus on its website at least sixty days before the commencement of admissions, including fee structure, refund policy, number of seats in a programme, eligibility qualifications, admission process, etc.

(9) The institution deemed to be University shall not retain any original certificates of the students, faculty members, and staff."

Thus, it is clear that collecting donation or capitation fee, in whatever nomenclature or form either directly or indirectly is strictly prohibited. The fee shall be collected as declared in the prospectus of the institution and with a proper receipt for such payment. They may provide fee concession or scholarships to the students.

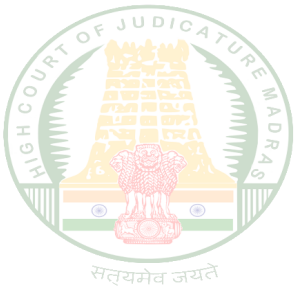
9. The Regulation 7 under Chapter - II of the Medical Council of the India Regulations on Graduate Medical Education 1997, deals



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with the time period distribution for the MBBS course. According to that

Regulation, the students shall undergo a period of certified study extending over 4½ academic years divided into nine semesters i.e., six months each, from the date of commencement of their study. Phase I-consisting two semesters, Phase II-consisting three semesters, Phase III-consisting four semesters (Part I & Part II). Supplementary examination may be conducted within six months so that the students can pass and join the main batch and the failed students will have to appear in the subsequent year, provided that, the students who pass the supplementary examination shall be allowed to appear in the second professional MBBS examination only after they complete the full course of study of three semesters irrespective of the examination of the main batch. Therefore, passing in Phase I is compulsory before proceeding to Phase II training. A student who fails in the II Professional examination shall not be allowed to appear in Phase III Part I examination unless the student passes all subject of Phase II examinations. Passing of III Professional - Part I examination is not compulsory before entering for eighth and ninth semester of Phase III.



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10. According to the CARE University, the students were informed about the break fee by the student handbook which states that any candidate who fails to pass the examination shall have the course extended and such candidate will have to pay tuition fee and other fees for the extended duration of the course. Further they also issued circulars calling upon the students to pay for supplementary classes.

11. It is true that supplementary examinations are conducted and the students are required to pass all the subjects by the end of their professional year in order to proceed to the next year, since the Regulation 8 of the Medical Council of India Regulation on Graduate Medical Education, 1997 mandates that only after completion of first professional year, the students can enter into Phase II and after completion of second professional examination, the students are permitted to enter into third professional examinations. But no Regulation speaks about the supplementary classes except the handbook and circular issued by the CARE University. Therefore, those who have failed in the examinations are not compelled to attend the supplementary classes. Regulation 7.7 of the Medical Council of India Regulations says that supplementary examination may be conducted within six months so



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that the students may pass and join in the main batch and the failed students will have to appear for examinations in the subsequent year. But it doesn't mandate supplementary classes for the students who had failed.

12. In fact, the prospectus of the CARE University doesn't speak about the break fee i.e., extra fee for the extended course. After admission, the students were provided with hand book of the CARE University and in the hand book indicates that any candidate who fails to pass the annual examination of the CARE University as prescribed shall have the course extended according to the regulations of the course of study and such candidate shall have to pay tuition fee and other fees for the extended duration of the course.

13. As stated supra, no regulation has prescribed extra classes for the extended course. When it is not mandatory, no student can be compelled to attend such extra classes. Therefore, the payment of tuition and other fees for the extended duration of course doesn't arise. Even as per the circular issued by the CARE University dated 01.02.2017, in order to help the students to improve academic performance and prepare effectively for the supplementary examinations, the failed candidates



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were informed that special coaching sessions and tests will be organized for the students requiring re-examinations. It was further stated that it was mandatory to attend those sessions and fee will be applicable for the same. Thus it is clear that the CARE University itself issued the circular for special coaching sessions. No regulation mandates supplementary classes or special classes for supplementary examinations. The CARE University on its own capacity had compelled the students to attend the special coaching sessions to write their supplementary examination and had also arbitrarily sought for fees for the same. On one hand, they made those extra classes mandatory and on the other hand, they informed that those who had paid the prescribed fees alone should be permitted to attend the special classes. Therefore, the hand book and the circulars issued by the CARE University are against the regulations issued by the Medical Council of India.

14. Though the CARE University produced some evidences for conducting extra classes, according to the petitioners they had not attended any of those extra classes till the time of clearing all the papers. Hence, no extra classes were conducted by the CARE University. Though the CARE University provided extra classes to the students who



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failed in their examination in order to write their supplementary examination, it doesn't require any additional tuition fee. Even according to the CARE University, the students, who failed, were directed to attend the classes with their junior batch in order to compensate their attendance deficiency and it doesn't amount to extra classes in a separate batch. It is true that those who passed their supplementary examination, will be treated as separate batch, if they failed to complete their examination with the main batch.

15. The UGC and the National Medical Council regulate the fee structure for all deemed to be universities. As per the Regulation of the UGC, the deemed to be universities are directed to frame fee structure as per the fee fixed by the Government or by the Commission in this behalf from time to time. Further as per Section 3 of the UGC Act 1956, the CARE University is amenable to all the stipulations of the UGC Act, including its fee structure. By virtue of G.O.Ms.No.226, Higher Education (J2) Department dated 11.07.2007, a committee was constituted for fixation of fee in respect of the deemed to be universities under the chairmanship of a retired Judge of this Hon'ble Court. The said committee directed the deemed to be universities to collect a sum of



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Rs.13,00,000/- only towards tuition fee for the relevant year. The

regulating Act strictly prohibits the collection of capitation fee in any form and instructed the deemed to be universities not to fleece the students by any fee or charges other than what was declared to them at the time of admission in the prospectus. Further Section 24 of the UGC Act, 1956 r/w UGC Regulations, 2023, specifically prohibits collection of capitation fee in any form.

16. This Court in a Writ Petition in W.P.No.16785 of 2017, by an order dated 08.06.2018, directed the deemed to be universities to collect a sum Rs. 13,00,000/- as fee for the academic year. However, the deemed to be universities challenged the same before the Hon'ble Supreme Court of India in S.L.P(Civil) Dairy No.22337 of 2018 and obtained interim stay and continued to collect Rs.22,00,000/- from all the students. But the Fee Fixation Committee fixed a sum of Rs.16,20,000/- as fee for the academic year 2022-25. Therefore, any tuition fee demanded more than the sum of Rs.16,20,000/- is blatantly arbitrary.

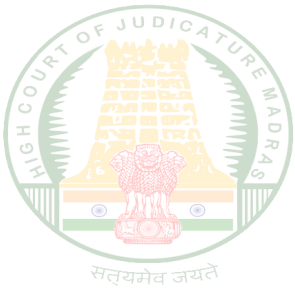
17. The Hon'ble Supreme Court of India in the case of ***L.Nageswara Rao Vs. Rashtreeya Sikshana Samithi Trust*** reported in



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2022 Live Law (SC) 501, clarified the earlier judgment passed by the Hon'ble Supreme Court of India reported in (2002) 8 SCC 481 in the case of ***T.M.A. Pai Foundation & Ors vs State Of Karnataka & Ors.***, as follows:-

“7. While clarifying the judgment of this Court in TMA Pai Foundation², this Court in Islamic Academy of Education and Anr. v. State of Karnataka and Ors.³, observed that once fee is fixed by the Committee, the institute cannot charge either directly or indirectly any other amount over and above the amount fixed as fee. If any other amount is charged, under any other head or guise, e.g. donations, the same would amount to charging of capitation fee. The Governments/appropriate authorities should consider framing appropriate regulations, if not already framed, whereunder if it is found that an institution is charging capitation fees or profiteering, that institution can be appropriately penalised and also face the prospect of losing its recognition/affiliation. In the said judgment, this Court took note of the fact that the States of Tamil Nadu, Maharashtra, Karnataka and Andhra Pradesh have enacted statutes prohibiting collection of capitation fee and regulating admission process in professional colleges. In terms of the provisions of the said Acts, the management of the professional colleges were prohibited



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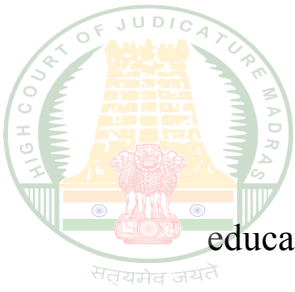
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from charging any amount other than fee determined under the said Acts. This Court further observed that the expression "capitation fee" does not have any fixed meaning. It referred to the definition of capitation fee in the Tamil Nadu Educational Institutions (Prohibition of Collection of Capitation Fee) Act, 1992, which is as follows:

"Capitation fee means any amount by whatever name called, paid or collected directly or indirectly in excess of the fee prescribed under Section 4;"

The above judgment is related to the issue involved in the present Writ Petitions. The petitioners were demanded to pay break fee for the extra special classes conducted by the CARE University, which is not mandated under any regulations.

18. In this context, it is also relevant to rely upon the decision of the Division Bench of this Hon'ble Court in the case of ***Leo Matriculation Higher Secondary School, Rep. by its Executive Secretary v. The Chair Person, Private Schools Fee Determination Committee and ors.***, reported in (2013) 1 CWC 353, wherein the petitioner which is a private school, had sought for excess fees from the students in the pretext of providing 'smart classes' and 'IT-enabled

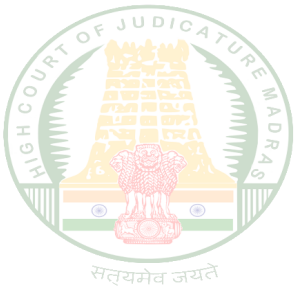


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education' which was above the fee limits prescribed by the Private Schools Fee Determination Committee. Considering the inquiry reportfiled by the Directorate of Matriculation Schools, the Chair-person of the Committee directed the petitioner to refund the excess fees to the students as it was above the prescribed fee limits. The same was challenged by the petitioner on multiple grounds but the said refund order of the Committee was upheld by the Division Bench of this Hon'ble Court.

19. Education must not be perceived merely as a commercial venture undertaken for profit. It is, and must remain, a noble service to society that carries with it a profound moral and constitutional responsibility. While students are expected to invest their time, discipline and commitment in shaping their careers, educational institutions, on their part, bear the solemn duty of shaping intellects and nurturing responsible citizens who will illuminate the nation's future. The pursuit of profit making may well define other enterprises, but when applied to education, such an approach undermines its very essence and becomes counterproductive to the larger purpose it seeks to serve.



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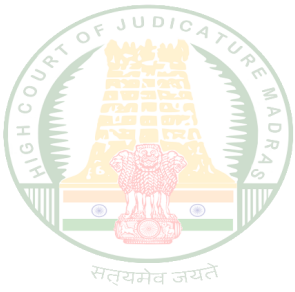
WEB COPY 20. In view of the above discussions, this Court is inclined to pass the following directions:-

(i) the CARE University is directed not to charge any additional tuition fee in the form of break fee/miscellaneous fee.

(ii) the State Government, UGC and National Medical Council are directed to implement the fee structure fixed by the Fee Fixation Committee to all deemed to be universities including the CARE University.

(iii) the CARE University is also directed to refund the deposit made by the petitioners in view of the interim order passed by this Court with interest at the rate of 6% per annum, within a period of two weeks from the date of receipt of a copy of this Order.

(iv) the CARE University shall release all the educational certificates which were produced by the petitioners at the time of their admission, within a period of two weeks from the date of receipt of a copy of this Order, to pursue their future career.



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WEB COPY 21. Accordingly, all the Writ Petitions stand allowed.

Consequently, connected miscellaneous petitions are closed. There shall be no order as to costs.

13.11.2025

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order

Note : Registry is directed to
incorporate cause title for all
the cases and issue order copy.
rts

To

1. The Chairman,
Chettinad Academy of Research and Education (CARE),
(Deemed to be University)
Rajiv Gandhi Salai, Padur,
Kelambakkam,
Kancheepuram District – 603 103.

2. The Vice Chancellore,
Chettinad Academy of Research and Education (CARE),
(Deemed to be University)
Rajiv Gandhi Salai, Padur,
Kelambakkam,
Kancheepuram District – 603 103.

3. The Registrar,
Chettinad Academy of Research and Education (CARE),
(Deemed to be University)
Rajiv Gandhi Salai, Padur,
Kelambakkam, Kancheepuram District – 603 103.



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4. The Dean,

Chettinad Academy of Research and Education (CARE),
(Deemed to be University)
Rajiv Gandhi Salai, Padur,
Kelambakkam,
Kancheepuram District – 603 103.

5. The Vice Principal,

Chettinad Academy of Research and Education (CARE),
(Deemed to be University)
Rajiv Gandhi Salai, Padur,
Kelambakkam,
Kancheepuram District – 603 103.

6. The Dean Secretary,

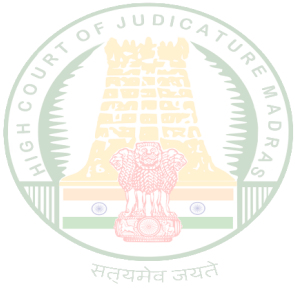
Chettinad Academy of Research and Education (CARE),
(Deemed to be University)
Rajiv Gandhi Salai, Padur,
Kelambakkam,
Kancheepuram District – 603 103.

7. The Chairman,

National Medical Commission,
Pocket-14, Sector-8,
Dwaraka Phase-I,
New Delhi – 110 077.

8. The Chairman,

University Grants Commission,
Bahadur Shah Zafar Marg,
New Delhi – 110 002.



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W.P.No.39756 of 2024 etc

G.K.ILANTHIRAIYAN. J,

rts

Common Order in
W.P.Nos.39756, 39578 of 2024 &
4456, 7477, 12260, 16611, 16742, 18469, 22093, 22095,
22096, 22098, 35437, 35471, 35703, 35910 of 2025

13.11.2025