

**WP.14032 of 2020**  
**in**  
**WMP No.17016 of 2020**

**N.ANAND VENKATESH.,J**

The 2<sup>nd</sup> respondent is not a necessary party in this writ petition and hence, deleted.

2. Mr.V.Vasantha Kumar, learned counsel takes notice for respondents 4 and 5. Mr.K.Parameswaran, learned Government Advocate, takes notice for respondents 1 and 3.

3. The present writ petition has been filed challenging the circular issued by the 5<sup>th</sup> respondent directing the petitioners to pay the semester fees in two installments and the first installment is payable on or before 30.09.2020. The petitioners are students who are undergoing law course in the 5<sup>th</sup> respondent University. According to the petitioners, since only on-line classes are being taken by the University, they are liable to pay the Tuition fees and they will pay it within the time

stipulated by this Court.

4. The petitioners are only questioning the fees that is charged under ten more heads, only on the ground that they are not utilizing the facilities and therefore, they should not be made to pay the fees under these heads, more particularly, considering the financial constraints faced due to the pandemic situation.

5. Mr.V.Vasantha Kumar, learned counsel appearing on behalf of the respondents 4 and 5 submitted that the University had taken into consideration the financial constraints faced by the students and that is the reason why the students were asked to pay the fees in two installments. The learned counsel further submitted that by a subsequent communication, the last date for the payment of the first installment has been extended to 30.09.2020. The learned counsel further submitted that the request made by the students was placed before the Syndicate and the Syndicate passed a resolution to the effect that the fee waiver is a policy decision of the Government of Tamil Nadu and the University

cannot take any unilateral decision in this regard. The learned counsel submitted that in view of the same, the respondents 4 and 5 cannot give any fee waiver and the students can be directed to pay the first installment as per the circular dated 29.08.2020. The learned counsel further submitted that the fees charged under various heads are in the nature of fixed cost and it will be incurred by the University whether the facilities are utilized or not. The learned counsel further submitted that the respondents 4 and 5 want to file a detailed counter by giving the justification as to why the fees will have to be collected from the students in order to maintain the facilities and in order to enable the institution to meet the day to day expenditure in running the institution.

6. This Court has carefully considered the submissions made on either side.

7. This Court is aware of the fact that there is a very limited jurisdiction vested with this Court when it comes to fixation of fees. Fees is fixed after taking in to consideration a lot of factors and this Court is

not an expert to sit over in judgments and re-determine the fees. Any such exercise will amount to over stretching the jurisdiction under Article 226 of Constitution of India.

8. The respondents 4 and 5 are not in a position to take any unilateral decision insofar as fee waiver is concerned. The matter has to be placed before the Government and any decision taken by the Government in this regard will ultimately bind the University. In view of the same, the request made by the students along with the resolution passed by the Syndicate shall be placed before the 1<sup>st</sup> respondent. The 1<sup>st</sup> respondent is directed to consider the same and give a solution by way of passing an order and the same can be thereafter placed before the Syndicate. The Syndicate can pass a resolution and in turn the University can inform the decision to the students. By adopting this process, the interest of all the stakeholders can be ascertained and this Court can thereafter pass a final order in this writ petition.

9. As an interim measure, the following directions are issued by

this Court :-

(a) The petitioners are directed to pay the first installment of the Tuition fees and AIR Cafe Fees, as fixed in the circular dated 29.08.2020, on or before 12.10.2020.

(b) The 4<sup>th</sup> respondent is directed to place the request received from the students along with the resolution passed by the Syndicate dated 12.09.2020, before the 1<sup>st</sup> respondent within a period of one week from the date of receipt of copy of this order.

(c) The 1<sup>st</sup> respondent shall consider the request made by the students and the resolution passed by the Syndicate and pass necessary orders within a period of two weeks thereafter.

(d) The order passed by the 1<sup>st</sup> respondent shall be placed in the Syndicate and a resolution shall be passed and the same shall be informed by the University to the students and

(e) The respondents 4 and 5 shall file the counter affidavit before the next date of hearing.

10. Post this case under the caption for orders on 03.11.2020.

30.09.2020

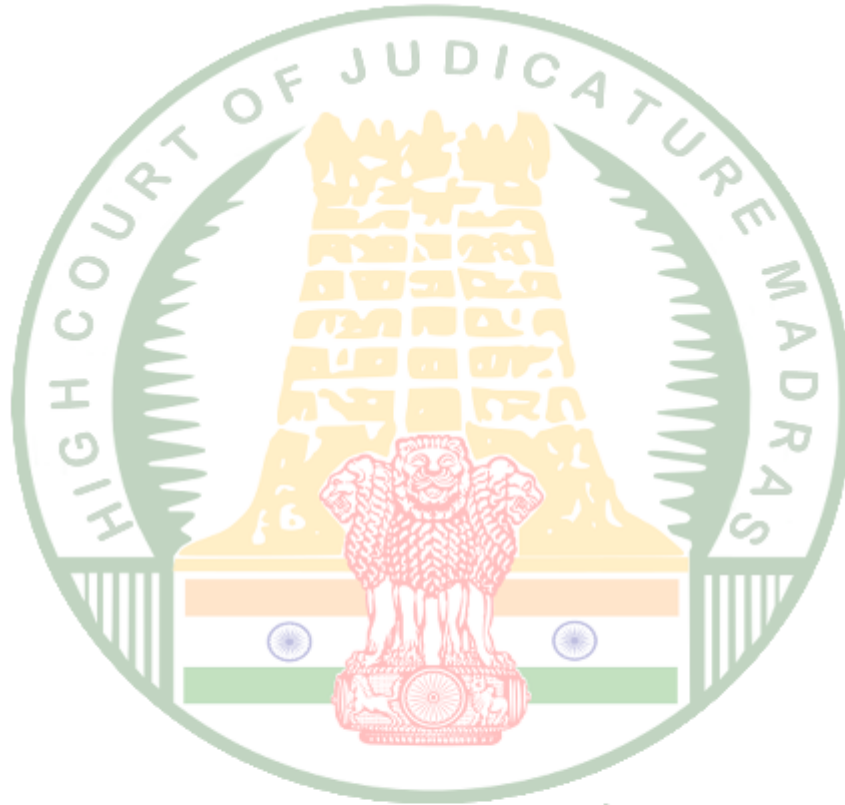
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