

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.01.2026

CORAM:

THE HONOURABLE MR. JUSTICE **D.BHARATHA CHAKRAVARTHY**

W.P.No.41497 of 2025
and
W.M.P.No.46471 of 2025

Gokula Krishnan B

... Petitioner

Vs

1. The Registrar,
The Tamil Nadu Dr.Ambedkar Law University,
School of Excellence in Law,
“Poompozhi”, No.5,
Dr.D.G.S.Dhinakaran Salai,
R.A.Puram, Chennai – 600 028.
2. The Dean,
The Tamil Nadu Dr.Ambedkar Law University,
School of Excellence in Law,
“Perungudi Campus”, M.G.R.Salai, Near Taramani [MRTS],
Railway Station, Perungudi, Chennai – 600 113.
3. The Chairman, Admissions,
The Tamil Nadu Dr.Ambedkar Law University,
School of Excellence in Law,
“Poompozhi”, No.5,
Dr.D.G.S.Dhinakaran Salai,
R.A.Puram, Chennai – 600 028.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue writ of certiorarified mandamus, calling for the records relating to the impugned letter dated 08.09.2025 bearing reference C.No.3831/SOEL/2025 issued by the 2nd respondent, quash the same and consequently direct the respondents to permit the petitioner having Registration No.H324049, to attend the regular classes, appear for the tests/examinations, pursue/complete the 3-Year LL.B.(Hons.) Degree Course without interruption by exempting the petitioner from payment of tuition fee and special fee based upon the 40% disability certificate issued in his favour in UDID No.TN5690919860013991 dated 15.09.2025 and pass such further or other orders.

For Petitioner : Mr.Rajagopal Vasudevan
Legal Aid counsel

For Respondents : Mr.S.Siva Shanmugam
Standing Counsel for R1 to R3

ORDER

This writ petition has been seeking a writ of certiorarified mandamus, calling for the records relating to the impugned letter dated 08.09.2025 bearing reference number C.No.3831/SOEL/2025 issued by the 2nd respondent, to quash the same and, consequently, direct the respondents to permit the petitioner, bearing Registration No.H324049, to attend regular classes, appear for the tests/examinations, and pursue/complete the 3-Year LL.B.(Hons.) Degree Course without interruption, by exempting the petitioner from payment of tuition fee and special fee, based upon the 40% Disability Certificate issued in his favour vide UDID No.TN5690919860013991 dated 15.09.2025.

2. Upon hearing the learning Counsel for the petitioner and upon perusing the affidavit filed in support of the writ petition and the other material records, it is seen that the petitioner was selected to undergo the 3-year LL.B. (Hons.) Degree Course in the 2nd responded institution. It is further seen that the petitioner is a differently abled person suffering specific intellectual disability/ mental illness. At the time of admission, the petitioner was admitted only under the Backward Class quota, as his disability did not cross the benchmark of 40%, as he was certified to be disabled to an extent of 10%. Subsequently, when he was undergoing the course, his percentage of disability had increased and has now been assessed as 40%. It is stated that the petitioner belongs to poor agricultural family. Though he joined the course and paid the first-year fee, he did not pay the fee for the second year. As he had not paid the fee, the University informed him that he could attend the classes only after payment of the fee. The petitioner does not appear to have complied with the said advice and, however, continued to attend classes. Only at the stage of when he was not permitted to write the examination, the petitioner approached this Court. By an interim order, the petitioner was permitted to write the examination. Earlier, it is seen that the petitioner had filed W.P.No.29120 of 2025, which was ultimately dismissed by holding that the petitioner could not avail the benefit, since he had not crossed the benchmark disability of 40%.

Subsequently, now that a Disability Certificate has been issued certifying his disability at 40%, the petitioner has once again approached this Court.

3. The learned Counsel appearing on behalf of the petitioner would submit that as per the Prospectus, it is the policy of the 2nd respondent institution to waive the tuition fee in respect of differently abled candidates. Therefore, the petitioner is also entitled to such waiver and ought to have been granted the same. The learned Counsel would also rely upon the judgement of the Hon'ble Supreme Court of India reported in ***Reena Banerjee and Another Vs. Government of NCT of Delhi and Others*** [2025 INSC 1101] and the judgement of the Division Bench of the Chhattisgarh High Court reported in ***Anjali Sonkar Vs. State of Chhattisgarh, Through Secretary and Others*** [2022 SCC Online Chh 2696] in support of his submissions. The proposition put forth by the learned Counsel for the petitioner is that the issue ought to be considered within the framework of the fundamental right to life of differently abled persons and, therefore, the petitioner ought to have been granted the benefit of fee waiver.

4. Learned Standing Counsel appearing on behalf of the University would submit that the scheme floated by the University is in consonance with the reservation provided under the Right of Persons with Disabilities Act,

2016. The learned Counsel would submit that as per Section 32 to 34 of the said Act, 5% of the seats in the 2nd respondent institution are reserved for persons with disabilities. As a matter of fact, the petitioner was not admitted under the said quota. Only in respect of the persons admitted under the said quota, the fee is waived. It is further submitted that the said quota is fully filled up and for those candidates, the fee has been waived. Merely because the petitioner's disability subsequently increased after admission, the benefit of waiver cannot be extended, as the scheme does not expressly provide for the same. In any event, it is submitted that the University has made its best efforts to accommodate the petitioner and has taken due care of him. It is also stated that the petitioner did not heed the advice of the faculty members and, therefore, the present situation has arisen.

5. Upon a query made by this Court, the learned Counsel for the petitioner submits that the petitioner hails from Udumalpet and his parents are poor and marginal farmers. On account of the petitioner's mental illness / disability, his mother has come down to Chennai and is taking care of the petitioner. It is further submitted that the petitioner is undergoing treatment at the Government Kilpauk Medical College and Hospital, Chennai, in respect of his illness.

6. I have considered the rival submissions made on either side and perused the material records of the case.

7. It is true that the Rights of Persons with Disabilities Act, 2016 provides for free education under Section 31 only up to the school level and, insofar as higher education is concerned, under Section 32, only reservation is made mandatory. However, with its social consciousness and the welfare orientation, the Government of Tamil Nadu and consequently, the 2nd respondent institution have also extended the other welfare measures, such as, fee waiver for persons with disabilities. The only constraint faced by the College is that the 5% quota earmarked for persons with disabilities has already been filled, and the fee waiver has been pre-approved, only in respect of those candidates. When the intention of the State of Tamil Nadu as well as the 2nd respondent is to provide fee waiver to persons with disabilities, its implementation same cannot be approached pedantically by clubbing it with reservation. Persons with disabilities require both reservation and welfare measures so as to provide them with equal opportunities to complete their education along with other candidates. The judgement of the Hon'ble Supreme Court of India in *Avni Prakash vs. National Testing Agency [2023 (2) SCC 286]* has categorically held that the benefits extended are not any privileges but are rights of persons with disabilities. As rightly pointed out by the learned

Counsel for the petitioner, these aspects should be considered as part of granting equal opportunity itself and would fall within the fundamental right guaranteed under Articles 14 and 21 of the Constitution of India. In that view of the matter, if the scheme framed and implemented by the 2nd respondent institution is examined, the petitioner would be fully eligible to avail the benefit of fee waiver. Apart from this, considering the extraordinary circumstances, in which the petitioner is pursuing his education despite his personal condition, every effort should be made to ensure that the petitioner completes his education and that every opportunity is provided to him, so that he may lead a normal life like any other person.

8. Under the said circumstances, since the nature of illness is also mentioned in the Disability Certificate, it can be seen that the petitioner is undergoing treatment at the Government Kilpauk Medical College and Hospital. The concerned Psychiatrist / Doctor who is giving the treatment shall periodically ensure the well being of the petitioner and the petitioner shall also continue his treatment with adequate care. The mother of the petitioner is also requested to ensure that the petitioner undertakes for his treatment on a regular basis. The concerned Psychiatrist / Doctor who is giving treatment to the petitioner shall at all times needed shall coordinate with the 2nd respondent to update about the petitioner's wellness and if any special requirement that may be needed for the petitioner, ensuring his well being and the academic

environment of the college.

9. In view thereof, the Writ Petition is disposed on the following terms:

(i) It is declared that the petitioner is eligible for the waiver of fees as provided in the Prospectus of the 2nd respondent institution and accordingly, the fee payable by the petitioner for the II-year and the ensuing years, so long as the petitioner continues to be within the benchmark disability of 40% shall stand waived;

(ii) Since the attendance was not marked as the petitioner had not paid the fee and, therefore, not treated as being on the rolls of the institution, and considering the fact that the petitioner was present in the institution and attended the classes at his will, and further considering the extraordinary circumstances of the case, it is declared that the petitioner has sufficient attendance;

(iii) The results of the petitioner shall be declared and for the ensuing semester, the petitioner shall regularly attend the classes;

(iv) The petitioner shall periodically report before the Government Kilpauk Medical College and Hospital which is treating him and ensure his personal well being and as observed supra, the concerned Psychiatrist / Doctor will be entitled to coordinate with the Dean of the 2nd respondent institution to

issue any specific directions or make any observations, requirements etc;

(v) It is open for the Psychiatrist / Doctor to give such advice to the institution and the institution shall abide by the same and it is also open for the Dean to give inputs and to seek for advice;

(vi) The petitioner shall at all times abide by the medical advice of the appropriate authority;

(vii) The action of the College and the faculty in showing extraordinary empathy on the student is appreciated;

(viii) This Court shall also place on record the appreciable service of the learned legal-aid-counsel, *Mr.Rajagopal Vasudevan*, appearing for the petitioner;

(ix) There shall be no order as to costs.

(x) Consequently, the connected miscellaneous petition is closed.

(xi) Registry is directed to communicate a copy of this order to the Dean, the Government Kilpauk Medical College and Hospital, Kilpauk, Chennai.

08.01.2026

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Neutral Citation: Yes

To

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The Tamil Nadu Dr.Ambedkar Law University,
School of Excellence in Law,
“Poompozhi”, No.5,
Dr.D.G.S.Dhinakaran Salai,
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The Tamil Nadu Dr.Ambedkar Law University,
School of Excellence in Law,
“Poompozhi”, No.5,
Dr.D.G.S.Dhinakaran Salai,
R.A.Puram, Chennai – 600 028.

Copy to:

The Government Kilpauk Medical College and Hospital,
Rep.by its Dean.
Kilpauk, Chennai – 600 010.

W.P.No.41497 of 2025

D.BHARATHA CHAKRAVARTHY, J.

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