

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 20.04.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.11356 of 2015

Dr.D.Priyadharshni

...Petitioner

Versus

1. The Director of Medical
Education Directorate of Medical Education
Kilpauk Chennai 10
- 2 The Dean
Madurai Medical College
Madurai 625 020

...Respondents

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, seeking for a writ of mandamus, directing the respondents to refund the sum of Rs.5 00 000/-, (Rupees Five Lakhs) collected from the petitioner under an invalid bond executed by the petitioner at the time of the petitioners DCH admission at the 2nd respondent College by passing orders on the representation dt 25.8.2014.

For Petitioner : Mr.G.Justin

For Respondents : Mr.Rm.Muthukumar
Government Advocate

O R D E R

By consent, the main writ petition is taken up for final disposal.

2. The petitioner has submitted a representation dated 25.08.2014 to the 2nd respondent stating among other things that she joined Diploma in Child Health under All India Quota in the Academic Year 2010 - 2011 and came out successful in the examination conducted in April 2012 and at the time of admission, she submitted her original certificates and after completion of the Post Graduate course, prayed for return of the certificates and

however, the respondents insisted the petitioner to pay the bond amount before collecting the original certificates and hence, aggrieved by the same, she submitted the above said representation praying for return of original testimonials, without insisting for the bond amount and since, she has not been favoured with any response, came forward to file this writ petition.

3. Mr.G.Justin, learned counsel appearing for the petitioner would submit that the matter in issue is squarely covered by a common order dated 13.02.2015, made in W.P.Nos.31801 to 31805 of 2015 and would submit that in the light of the said order, the petitioner is entitled to return all the original testimonials and prays for the same order.

4. Mr.Rm.Muthukumar, learned Government Advocate, who accepts notice for the respondents would submit that in the light of the bond executed by the petitioner, she is under obligation to pay the same before getting the original testimonials.

5. This Court heard the rival submissions and it is relevant to extract the operative portion of the common order dated 13.02.2015, made in W.P.Nos.31801 to 31805 of 2015, which is as follows:

"6. I have heard the counsel for both sides. In the earlier batch of cases, this Court held that the respondents have no authority to seek for execution of the bond from the students who were selected under the All India Quota. It was also held that such a condition for execution of bond is not indicated in the prospectus issued by the respondents for admission to higher education. This Court also held that even if bond was executed, it will have no force of law besides being invalid. Therefore, this Court directed the respondents to return the certificates without insisting for a bond. In those circumstances, the relief of Mandamus sought for by the petitioners herein has to be considered. As mentioned above, the petitioners have submitted representations dated 20.06.2014, 25.08.2014, 20.06.2014, 26.11.2012 and 19.11.2014 and 24.10.2014 respectively, in which they have prayed for refund of the amount, which is the relief sought for in these writ petitions. The representations are also pending with the respondents without any orders being passed. Therefore, the respondents are directed to consider the representations dated 20.06.2014, 25.08.2014,

20.06.2014, 26.11.2012 and 19.11.2014 and 24.10.2014 respectively of the petitioners seeking for refund of the amount and pass appropriate orders thereon in terms of the earlier orders passed by this Court within a period of four weeks from the date of receipt of a copy of this order.

7. With the above direction, the writ petitions are disposed of. No Costs."

6. In the considered opinion of the Court, the said judgment is squarely applicable to the facts of this case and this Court, taking into consideration the limited scope of the prayer, without going into the merits of the petitioner's representation, directs the 2nd respondent to consider the petitioner's representation dated 25.08.2014, on merits and in accordance with law, by taking into consideration the above said common order and pass orders as expeditiously as possible and not later than two weeks from the date of receipt of a copy of this order and inform the decision taken to the petitioner.

7. The writ petition is disposed of, accordingly. No costs.

Sd/-
Assistant Registrar (R)

//True Copy//

Sub Assistant Registrar

ars

To

1. The Director of Medical Education Directorate of Medical Education
Kilpauk Chennai 10

2 The Dean
Madurai Medical College
Madurai 625 020

1CC to the Government Advocate SR 21493

W.P.No.11356 of 2015

RJ [CO]
PSI 14.05.2015