

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.02.2015

CORAM :

THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM

Writ Petition Nos.31801 to 31805 of 2014

Dr.V.Vanitha .. Petitioner in WP.No.31801/2014
Dr.M.Sucindar .. Petitioner in WP.No.31802 /2014
Dr.Patil Devandra Vijay .. Petitioner in WP.No.31803 /2014
Dr.Teffy Jose .. Petitioner in WP.No.31804 /2014
Dr.J.Nithya .. Petitioner in WP.No.31805 /2014

Versus

The Dean
Stanley Medical College .. Respondents 31801, 31803 and
Chennai 31804 of 2014

The Dean
Madurai Medical College .. Respondents 31802/2014
Madurai

The Dean
Kilpauk Medical College .. Respondents 31805/2014
Chennai

WP No. 31801 of 2014:- Petition filed under Article 226 of The Constitution of India praying 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 her DCH admission at the respondent college by passing orders on the petitioner's representation datd 20.6.2014.

WP No. 31802 of 2014:- Petition filed under Article 226 of The Constitution of India praying for a Writ of Mandamus directing the Respondent 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 his DCH Admission at the respondent college by passing orders on the petitioners representation dated 25.08.2014.

WP No. 31803 of 2014:- Petition filed under Article 226 of The Constitution of India praying for a Writ of Mandamus directing the Respondent to refund the sum of Rs.10,00,000/- (Rupees ten Lakhs)

Collected from the Petitioner under an invalid bond executed by the petitioner at the time of his M.D Admission at the respondent college by passing orders on the petitioners representation dated 20.06.2014.

WP No. 31804 of 2014:- Petition filed under Article 226 of The Constitution of India praying for a Writ of Mandamus directing the Respondent to refund the sum of Rs.10,00,000/- (Rupees ten Lakhs) Collected from the Petitioner under an invalid bond executed by the petitioner at the time of her MD.Admission at the respondent college by passing orders on the petitioners representation dated 26.12.2012 and 19.11.2014.

WP No. 31805 of 2014:- Petition filed under Article 226 of The Constitution of India praying for a Writ of Mandamus directing the Respondent to refund the sum of Rs.5,80,000/- Collected from the Petitioner under an invalid bond executed by the petitioner at the time of her DGO Admission at the respondent college by passing orders on the petitioners representation dated 24.10.2014.

For Petitioner in all WPs: Mr.G.Justin
For Respondents in all Wps: Mr. R.Vijayakumar
Additional Government Pleader

COMMON ORDER

Since the issue involved in all these writ petitions are one and the same, these writ petitions are taken up together and are disposed of by this common order.

2. The petitioners in these writ petitions seek for a direction to the respondents to refund the amount paid by them at the time of their admission.

3. The petitioners herein have completed their M.B.B.S., degree and they have been selected for higher education through All India quota and at the time of such admission in to higher education course, they were required to execute a bond for a sum of Rs.5,00,000/-, 10,00,000/-, and 5,80,000/- respectively. Accordingly, all the petitioners have executed such a bond as a condition precedent for their admission into higher course. According to the petitioners, now they have completed their courses and sought for refund of the bond amount. The petitioners have also sent a representation on 20.6.2014, 25.8.2014, 20.6.2014, 26.11.2012 and 19.11.2014, and 24.10.2014 respectively to the respondents, but there was no response, hence, they have filed the above writ petitions.

4. The learned counsel for the petitioners would contend that in identical circumstances, in a batch of writ petitions, in the case of (Dr. S. Rajesh vs. State of Tamil Nadu and another) reported in 2009 1 MLJ 1103 this Court was pleased to hold that the bond executed by the students who were all selected under the All India quota for higher education is null and void and the same is not enforceable. It is further submitted that one Dr. S. Vaishnavi has filed W.P. No. 23243 of 2012 before this Court praying to direct the respondents therein to return the certificates and this Court also, by an order dated 21.09.2012, issued such direction to the respondents to return the certificates to the petitioner within a period of two weeks. It is contended before this Court that even though the certificates were returned, the respondents did not refund the sum of Rs.6,10,000/- towards refund of bond amount. Consequently, a contempt petition No. 372 of 2013 was filed before this Court. This Court, while hearing the contempt petition, recorded the submission of the learned Additional Advocate General that the bond amount will be refunded to the petitioner shortly. Accordingly, on such statement, the contempt petition was closed on 26.04.2013. In this case, the petitioners also submitted a representation dated 20.6.2014, 25.8.2014, 20.6.2014, 26.11.2012 and 19.11.2014, and 24.10.2014 respectively to the respondents, seeking to refund the bond amount, but till date, no order has been passed.

5. The learned Additional Government Pleader appearing for the respondents would only contend that in the cases relied on by the counsel for the petitioners, this Court only directed to return the certificates produced by the students. In any event, the petitioners have submitted representations on 20.6.2014, 25.8.2014, 20.6.2014, 26.11.2012 and 19.11.2014, and 24.10.2014 respectively and the same will be considered by the respondents on their own merits.

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 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 20.6.2014, 25.8.2014, 20.6.2014, 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 20.6.2014, 25.8.2014, 20.6.2014,

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.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To
The Dean
Stanley Medical College
Chennai

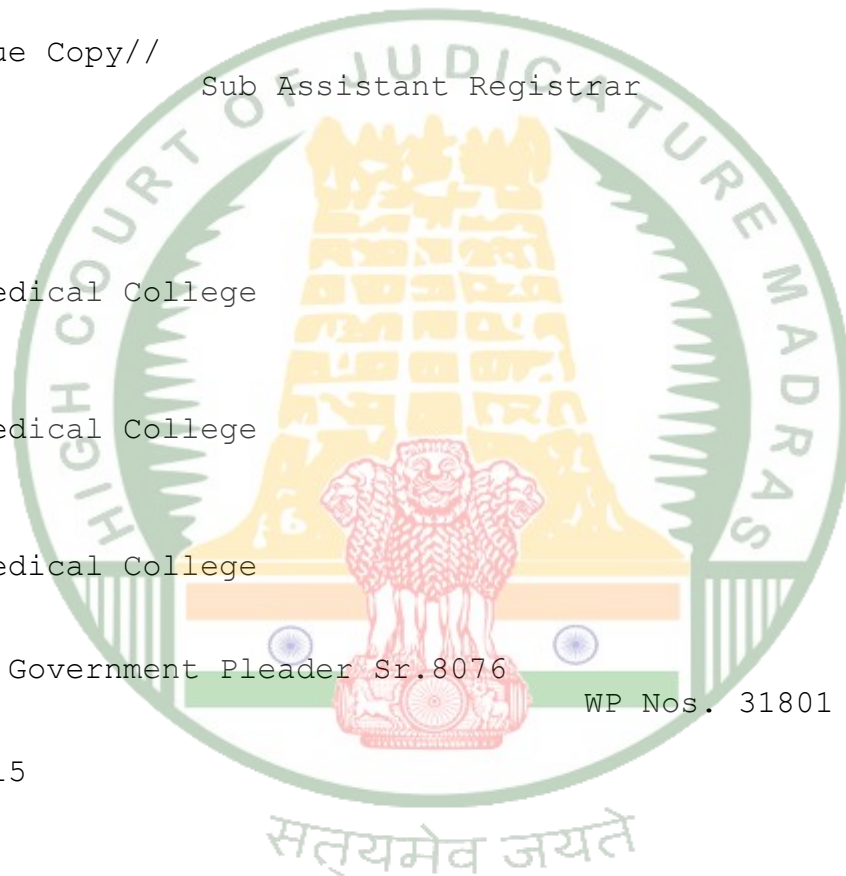
The Dean
Madurai Medical College
Madurai.

The Dean
Kilpauk Medical College
Chennai

+ 1 cc to Government Pleader Sr.8076

WP Nos. 31801 to 31805 of 2014

AD(CO)
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