

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 23.06.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.17812 of 2015

Dr.Jousal C.P.

... Petitioner

Versus

The Dean
Stanley Medical College, Chennai 1

... Respondent

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, seeking 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.S. ENT admission at the respondent college by passing orders on the petitioners representation dt 16.9.2014.

For Petitioner : Mr.G.Justin

For Respondent : Mr.R.Vijayakumar
Additional Government Pleader

ORDER

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

2. The petitioner would claim that after passing MBBS Degree, he got admission to M.S. (ENT) course for the Academic Year 2009-12 in the respondent College and at the time of joining the PG course, submitted his original certificates on the promise that at the time of completion of his studies the certificates will be returned. The petitioner after completing the PG course during April 2012, requested for return of all his original certificates. But, it was refused by the respondent on the ground that either he has to complete the service of two years in Tamilnadu or to pay the bond amount of Rs.10 Lakhs, so as to enable him to get the original certificates from the respondent. The petitioner has paid a sum of Rs.10 Lakhs by means of a Demand Draft, in the account of Dean Welfare Fund and thereafter, got his original certificates.

3. The petitioner would contend that in respect of an admission under All India quota, bond amount cannot be collected and it is liable to be refunded and in this regard, he submitted a representation dated 16.09.2014 to the respondent and since, he has not been favoured with any response, came forward to file this writ petition.

4. Mr.G.Justin, learned counsel appearing for the petitioner has drawn the attention of this Court to the order dated 20.04.2015 made in W.P.No.11356 of 2015 and would submit that this Court while deciding the said writ petition has taken note of the common order dated 13.02.2015 made in W.P.Nos.31801 to 31805 of 2014 and passed an order directing the respondent therein to consider the representation of the petitioners therein, taking into consideration the purport of the above said order and pass orders within a stipulated time and since, the petitioner is similarly placed, similar order may be passed.

5. This Court heard the submissions of Mr.R.Vijayakumar, learned Additional Government Pleader, who accepts notice for the respondent.

6. It is relevant to extract paragraph No.5 of the above said order.

"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 2014, 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."

7. In the considered opinion of this Court, the petitioner is similarly placed like that of the petitioner in W.P.No.11356 of 2015 and therefore, the respondent is bound to consider the said representation dated 16.09.2014 submitted by the him in the light of the said order.

8. In the result, the writ petition is disposed of and the respondent is directed to consider the representation dated 16.09.2014 submitted by the petitioner on merits and in accordance with law after taking note of the above said order and pass orders within a period of ten weeks form the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

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

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To

The Dean

Stanley Medical College, सत्यमेव जयते
Chennai 1

+lcc to M/s.G.Justin, Advocate, S.R.No.30793

SK(CO)
CA(03/07/2015)

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