

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.02.2015

CORAM:

THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM

Writ Petition Nos.24604, 24605 and 25010 of 2014

1 Dr.R.Nithiyanantham ..Petitioner in W.P.No.24604/2014
1 DR.M.R.Lenin ..Petitioner in W.P.No.24605/2014
1 Dr. R.Alagar Samy ..Petitioner in W.P.No.25010/2014
Vs.
1 The Dean
Employees State Insurance Corporation
Medical College & Post Graduate Institute
of Medical Science and Research
K.K.Nagar
Chennai-78.
..Respondent in all Writ Petitions

Prayer in W.P.Nos.24604 & 24605/2014: Petitions filed under Article 226 of the Constitution of India for the issuance of writ of Mandamus directing the respondent to return all the original certificates as per petitioners' representation dated 19.8.2014

Prayer in W.P.No.25010/2014: Petition filed under Article 226 of the Constitution of India for the issuance of writ of Mandamus directing the respondent to return all the original certificates as per petitioner's representation dated 4.9.2014.

For Petitioner in all
Writ Petitions : Mr.G.Justin
For Respondent in all
Writ Petitions : Mr.K.M.Venugopal

COMMON ORDER

Heard Mr.G.Justin, learned counsel for the petitioners and Mr.Mr.K.M.Venugopal, learned counsel appearing for the respondent and with the consent of the learned counsel on either side, the Writ Petitions are taken up for disposal.

2. The petitioners have filed these Writ Petitions praying for issuance of a Writ of Mandamus to direct the respondents to return all the original certificates as per their representations dated 19.8.2014, 19.8.2014, and 4.9.2014 respectively.

3. It is not in dispute that an identical prayer was considered by this Court in a batch of Writ Petitions, in W.P.No.17797 of 2014 etc., vide order dated 17.7.2014 (Dr.S.Poornima Vs. The Dean, Stanley Medical College, Madras). The said order reads as follows:

"Since the subject matter in all these Writ Petitions is one and the same, they are taken together and are disposed of by a Common Order by consent on either side at the admission stage itself.

2. The Writ Petitions have been filed to issue a Writ of Mandamus, directing the respondent to issue S.S.L.C. Mark Sheet, Higher Secondary Mark Sheet, M.B.B.S. Degree Certificate and Mark Sheet, Medical Registration Certificate C.R.R.I. Completion Certificate, P.G. Course Certificate, P.G. Degree Certificate, Conduct Certificate, Transfer Certificate to the petitioners.

3. I Learned Counsel appearing for the petitioners would submit that the matter in issue is squarely covered by a decision rendered by a Division Bench of this Court in W.A.No.1444 of 2008 (State of Tamil Nadu rep. by its Secretary, Health and Family Welfare Department, Fort St. George, Chennai-9 and two others). He would further submit that in yet another decision reported in (2009) 1 MLJ 1103 in Dr.S.Rajesh vs. State of Tamil Nadu rep. by its Secretary, Health and Family Welfare Department, Chennai and others, similar view has been taken. Therefore, the official respondent is under mandate to return the certificates.

4. Mr.P.Sanjay Gandhi, learned Additional Government Pleader appearing for the respondent in each of the Writ Petition today produced a letter in Letter No.37559/MCA.1/2012-3, dated 03.07.2014 addressed to the Director of Medical Education, Chennai-600 010, wherein it has been stated as follows:

"Madam,

Sub : Medical Education- Request
for Original Certificate to the
Post Graduate Students
studied under All India Quota
and Non-Service Quota - Certain
instructions issued- regarding.

Ref: Your Office Letters
No.43730/MEII/1/2013 dated
20.11.2013, 09.04.2014and
30.06.2014.

I am directed to refer to your letters
cited and to state that in the circumstances
reported therein and in view of the orders of
Hon'ble High Court of Madras in this issue, I
am to convey the approval of the Government
for release of all certificates to the All
India Quota Post Graduates and Non-service
Post Graduates of State Quota who have
completed their courses immediately. Further
instructions in this issue will be issued by
the Government after arriving at a policy
decision.

Yours faithfully,
Sd/-

P.Sadasivam

for Secretary to Government"

The said letter is placed on record.

5. The learned Additional Government Pleader
would submit that even certificate would be issued to
the persons those who have not approached this Court
also by filing the Writ Petition. Since the persons who
are seeking return of the certificates are larger in
number some time may be given to the respondent to
return the certificates.

6. Based on the said submission, the Court heard
the submission of the respective learned Counsel for the
petitioner in each of the Writ Petition also.

7. In the light of the stand taken by the Health
and Family Welfare Department of Government of Tamil

Nadu, the Writ Petitions are ordered as prayed for and the respondent Medical College shall return the certificates to the petitioners in these Writ Petitions within a period of 15 days from the date of receipt of a copy of this Order. In the circumstances of the case, there will be no orders as to costs. The connected M.Ps. are closed."

3. Following the above order, there will be a direction to the respondents to return the certificates of the petitioners, within a period of fifteen days from the date of receipt of a copy of this order.

4. The Writ Petitions are disposed of with the above direction. No costs.

Sd/-
Asst. Registrar

/true copy/

Sub Asst. Registrar.

To

1

The Dean
Employees State Insurance Corporation
Medical College & Post Graduate Institution
of Medical Science and Research
K.K.Nagar
Chennai-78.

+3cc to Mr.G.Justin, Advocate, S.R.No.8323

W.P.Nos.24604, 24605
and 25010 of 2014

PA(co)
EU 25.2.15

WEB COPY