

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 10.07.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.Nos.20481 and 20482 of 2015
and
M.P.Nos.1 + 1 and 2 + 2 of 2015

1. A.Indumathy ...Petitioner in W.P.No.20481/15
2. M.Priya ...Petitioner in W.P.No.20482/15

Versus

- 1 The Principal Secretary to
Government Government of Tamilnadu Higher
Education Including Technical Education
Science & Electronics Secretariat Fort St.
George Chennai 9
- 2 The Secretary
Health and Family Welfare Department
Secretariat Fort St. George
Chennai 9
- 3 The Director
Directorate of Medical Education No.162
E.V.R.Periyar Salai
Kilpauk Chennai 10
- 4 The Secretary
Selection Committee Directorate of Medical
Education No.162 E.V.R.Periyar Salai
Kilpauk Chennai 10
- 5 The Principal
Tamil Nadu Government Dental College and Hospital
Dr. Muthusamy Road
Chennai 3. ...Respondents 1-5 in both W.Ps.
- 6 The Dean
KAP Vishwanathan Govt. Medical College,
Periamilaguparai,
Thiruchirapalli ...6th Respondent in W.P.No.20481/15

7. The Dean
Govt. Theni Medical College,
Theni - 625531
K.Villakku,
Andipatti Taluk

...6th Respondent in W.P.No.20482/15

Prayer in all W.Ps.: These Writ Petitions are filed under Article 226 of the Constitution of India, seeking for a writ of mandamus, directing the 4th respondent to issue allotment order without insisting upon payment of Rs.5,00,000/- as penalty for having discontinuing the BDS Course in the midway as per agreement bond for joining the MBBS Course to which they have been selected consequently direct the 5th respondent to return all the original certificates of the petitioners received from them to the petitioners.

For Petitioners : Mr.S.Pushpakaran
in both W.Ps.

For Respondents : Mrs.P.Rajalakshmi
in both W.Ps. Government Advocate

C O M M O N O R D E R

By consent, both the writ petitions are taken up for final disposal and as the facts pleaded and the submissions made are one and the same, these writ petitions are disposed of by a common order.

2. The petitioner in W.P.No.20482 of 2015, claims that she belongs to Scheduled Caste community and she has passed the higher secondary course examination during the Academic Year 2013-14 and her cut off mark for medical examination for that year was 193.5. She also appeared for counselling to MBBS/BDS course in Government College, for the academic year 2014-15 and unfortunately, she was not selected for the said course in Government colleges and she joined BDS Course in the 5th respondent Government College for the academic year 2014-15. The petitioner once again applied for counselling for MBBS Course for the Academic Year 2015-16 and attended the counselling on 24.06.2015 and she has been selected for joining MBBS Course in 6th respondent Government College at Thiruchirappalli.

3. Similarly, the petitioner in W.P.No.20482 of 2015, belongs to Scheduled Caste (Arunthathiyar) community and her cut off mark is 191.75 and since, she was not selected for the MBBS course in Government colleges, she joined BDS Course in the 5th respondent Government College for the academic year 2014-15. The petitioner once again applied for counselling for MBBS Course for the Academic Year 2015-16 and attended the counselling on 24.06.2015 and she has been selected for joining MBBS Course in 7th respondent Government College at Theni.

4. The petitioners would further state that the 4th respondent has also sent a communication calling upon them to join the course immediately and accordingly, they approached the 4th respondent on 26.06.2015 and made payment of Rs.11,600/-, requesting them to issue the allotment order. However, the 4th respondent has withheld the allotment order stating that it will be given to them only after submitting proof for payment of Rs.5 Lakhs as penalty for breaching the agreement bond, which they executed at the time of joining the BDS Course during the Academic Year 2014-15.

5. It is the stand of the petitioners that withholding the allotment order, on account of non payment of penalty of Rs.5 Lakhs is against law and further that they belong to Scheduled Caste community and in the event of enforcement of the said condition they may lose the opportunity of joining the MBBS Course in Government Medical Colleges and hence, came forward to file this writ petition.

6. Learned counsel appearing for the petitioner has drawn the attention of this Court to the common order dated 01.07.2015 made in W.P.No.19270 to 19273 of 2015 and would submit that in similar facts and circumstances, this Court permitted the petitioners therein to pay the bond amount of Rs.5,00,000/- either in instalment or in lumpsum before 25.09.2015 and similar orders may be passed.

7. The Court, heard the submissions of Mrs.P.Rajalakshmi, learned Government Advocate, who accepts notice on behalf of the respondents.

8. In the light of the above facts and circumstance, the writ petitions are disposed of and the 4th respondent is directed to return all the original certificates / testimonials to the respective writ petitioners, forthwith. The respective petitioners shall file the affidavits of undertaking to the 4th respondent within a period of one week from the date of receipt of a copy of this order, undertaking to pay the bond amount of Rs.5 Lakhs each either in instalment or in lumpsum, before 25.09.2015 and the 4th

respondent is directed to accept the same, if the relevant papers are otherwise in order, and permit the petitioners to join the respective Government Medical Colleges and till 26.09.2015, the respective 6th respondent in these writ petitions, shall keep the seats allotted to the petitioners, as vacant. No Costs. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

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Government of Tamilnadu Higher
Education Including Technical Education
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K.Villakku, Andipatti Taluk

2 CCs to Mr.S.Pushpakaran, Advocate SR.No. 34818 & 34819

1 CC to the Government Pleader, SR.No. 35131

W.P.Nos.20481 and 20482 of 2015

RV (CO)
PSI (13.07.2015)



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