

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.07.2015

CORAM:

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.23311 of 2015

Dr.R.Dileep Daniel

.. Petitioner

- Vs -

1. The Director of Medical Education,
Directorate of Medical Education,
Kilpauk, Chennai - 600 010.

2. The Dean,
Madras Medical College,
Chennai - 600 003.

..Respondent

Prayer:- Writ Petition has been filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to refund the sum of Rs.5 00 000/-, (Rupees Five Lakhs) collected from the petitioner under a bond executed by the petitioner at the time of his DTCD (Diploma in Tuberculosis & Chest Diseases) admission at the 2nd respondent College by passing orders on the representation dt 13.07.2015.

For Petitioner : Mr.G.Justin

For Respondents : Mr.S.Pattabiraman
Government Advocate

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O R D E R

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

2. The petitioner would submit that he got admission to the second respondent college under State quota and joined the college for Diploma in Tuberculosis & Chest Diseases for the academic year 2010-2012. After joining the college all his original certificates were entrusted to the second respondent. At the time of joining the college, the second respondent wanted the petitioner to execute a

bond and under compelling circumstances the petitioner had executed a bond for a sum of Rs.5,00,000/-. The petitioner after successful completion of the diploma course has prayed for return of the original certificates and since it was to pay the bond amount, the petitioner has paid the same and now come forward to file this writ petition for return of the said certificates.

3. The learned counsel appearing for the petitioner draws the attention of this Court to the order of this Court dated 20.04.2015, made in W.P.No.11356 of 2015 and would submit that this Court has placed reliance upon an earlier order dated 13.02.2015 made in W.P.Nos.31801 to 31805 of 2015 and prays for similar orders.

4. This Court heard the submission of Mr.S.Pattabiraman, learned Government Advocate who accepts notice for the respondents.

5. It is relevant to extract the operative portion of the common order of this Court 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 light of the above facts and circumstances, this Court directs the second respondent to consider the petitioner's representation dated 13.07.2015, 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 four weeks from the date of receipt of a copy of this order and communicate the decision taken to the petitioner. The writ petition is disposed of, accordingly. No costs.

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

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To

1. The Director of Medical Education,
Directorate of Medical Education,
Kilpauk, Chennai - 600 010.
2. The Dean,
Madras Medical College,
Chennai - 600 003.

+1cc to Government Pleader, (SR.39793)
+1cc to Mr.Z.Jesu Advocate, (SR.39701)

सत्यमेव जयते

W.P.No.23311 of 2015

KGK(co)
cp 24.08.2015

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