



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.02.2015

CORAM:

WEB COPY

THE HONOURABLE MR.SANJAY KISHAN KAUL, CHIEF JUSTICE
and
THE HONOURABLE DR.JUSTICE S.TAMILVANAN

W.A(MD)No.35 of 2015
and M.P.No.1 of 2015

1.The Director of Medical Education
Kilpauk, Chennai

2.The Principal,
Thirunelveli Medical College
Tirunelveli.

... Appellants/Respondents

Versus

S.Sona

...Respondent/Petitioner

Writ Appeal filed under Clause 15 of Letters Patent against the order dated 29.06.2011, made in W.P.(MD)No.14821 of 2010.
Prayer in WP(MD). 14821/ 2010 :

Writ Petition is filed under Article 226 of the Constitution of India, praying to issue WRIT OF CERTIORARIFIED MANDAMUS or any other order or direction in the nature of Writ calling for the records pertaining to the impugned order of the 2nd respondent passed in Na.Ka.No.2248/Ma.Ka./2010 dated 27.10.2010 and quash the same and consequently forbearing the respondents from anyway affecting the education of the Petitioner in M.B.B.S. Course under the 2nd respondent.

For Appellants : Mr.M.Govindan
Special Government Pleader

For Respondent : Mr.Veerakathiravan

JUDGMENT

[Judgment of the Court was delivered by The Hon'ble Chief Justice]

The respondent approached the court aggrieved by the cancellation of her admission arising from an allegation of the marksheet being fabricated. It is the case of the respondent that her marks were re-valued and the re-valuation mark sheet was submitted which was the basis of the admission while her cancellation was decided on the basis of the earlier mark sheet before re-valuation.

2. It is an admitted position that before cancellation of admission, no opportunity was given to the respondent to put forth her case.



3. It is in view thereof, that the learned Single Judge by the impugned order dated 29.06.2011, set aside the adverse order dated 27.10.2010 and directed that an enquiry be conducted by giving opportunity to the respondent.

4. The appeal was filed, but apparently it was not numbered and three and half years have elapsed since then. On our query, learned counsel for the respondent states that during this period of time, the respondent has not been in college. We are really surprised, as to why the respondent did not take any steps to enforce the consequences of the impugned order.

5. Be that as it may, learned counsel for the appellants states that in the mean time, the impugned order stands implemented, an enquiry was held, an opportunity was given to the respondent and now a report has been prepared which is adverse to the respondent. If it is so, we are of the view that the appeal has become infructuous and the final decision with the report is liable to be forwarded to the respondent so that if the respondent is aggrieved by the same, she is in a position to take recourse to her legal remedies. The needful be done within a week.

6. The appeal stands dismissed as infructuous in the aforesaid circumstances, as even otherwise it has no merits as no opportunity was given to the respondent to explain her stand before the adverse decision was taken against her. Consequently M.P.No.1 of 2015 is closed.

Sd/-

Assistant Registrar(Per.Admn)

/True copy/

sub Assistant Registrar

ksr

TO

S.SONA,

D/O. S.SOUNTHARARAJAN,

NO.24, KAMMALAR STREET,

MELACHEVAL POST, AMBASAMUDRAM.

+1cc to MR.VEERAKATHIRAVAN,ADVOCATE IN SR NO. 5087

+1cc to Special Government Pleader Sr NO.5465

W.A(MD)No.35 of 2015
04.02.2015

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