



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.10.2015

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P. (MD) No.18630 of 2015
and M.P. (MD) No. 1 of 2015

C.Baskar

... Petitioner

Vs.

1.The Director of Medical Education,
O/o.The Directorate of Medical Education,
162, EVR Periyar Salai, Kilpauk, Chennai - 10.

2.The Dean,
Tirunelveli Medical College,
Tirunelveli - 11.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari to call for the records pertaining to the impugned order in Na.Ka.No.790/N12(1)/2013-1 dated 25.09.2015 on the file of the respondent No.2 and quash the same as illegal.

For Petitioner	... Mr.T.Lajapathi Roy
For Respondents	... Mr.R.Anandha Raj Government Advocate

O R D E R

Mr.C.Baskar, has come to this Court challenging the impugned order passed in Na.Ka.No.790/N12(1)/2013- dated 25.09.2015 in and by which the Dean of Tirunelveli Medical College has directed the petitioner to pay a sum of Rs.35,91,777/- for the amount of Rs.10 lakhs along with interest on the bond executed for a sum of Rs.10 lakhs by the petitioner.

2. By consent the Writ petition is taken up for final disposal at the admission stage itself.

3. Heard the learned counsel for the petitioner and the learned Government Advocate appearing for the respondents.

4.The learned counsel for the petitioner would submit that the petitioner applied for post graduation in M.S. Ortho and he joined the same in the year 2008-09 and he completed the said course in 2011 and thereafter he was posted as Assistant Professor in Orthopedic Department in Tuticorin Medical College and he served there less than a year and thereafter he was posted again as Assistant Professor in Anatomy Department in Tirunelveli Medical College. Again he served till 2013. However, due to personal problems faced by the petitioner, he was not able to work in the respondent department and he left the second respondent college.



5. Hence, the issue needs consideration is that as per the prospectus issued by the second respondent for the year 2008-2009, the petitioner had executed a bond for a sum of Rs. 10 lakhs for a degree course as a security amount with an undertaking that he will serve in Tamil Nadu Government till superannuation. Since the payment of interest for the above said amount has not been mentioned in the prospectus, the respondent cannot demand interest for the amount of Rs.10 lakhs. Therefore, the impugned order is liable to be set aside.

6. This Court is not able to see any justification to contend that without there being any provision or terms in the prospectus for demanding interest of the sum of Rs.10lakhs the second respondent cannot demand a huge sum of Rs.35,91,777/-, for the petitioner has not given his reply or representation. Therefore, this Court is not inclined to entertain the writ petition. It is open to the petitioner to approach the respondent to furnish details on which the aforesaid amount has been worked out. If the petitioner approaches the respondent, then the respondent is directed to furnish details namely, the basis for reaching the amount of Rs. 35,91,777/-.

7. With this observation, this Writ Petition is dismissed. No costs. Consequently, connected M.P is also dismissed.

Sd/-
Assistant Registrar (Crl.side)

/True copy/

Sub Assistant Registrar

To,

1.The Director of Medical Education,
O/o.The Directorate of Medical Education,
162, EVR Periyar Salai, Kilpauk,
Chennai - 10.

2.The Dean,
Tirunelveli Medical College,
Tirunelveli - 11.

+1 CC to Mr.T.Lajapathi Roy, Advocate, SR No.61228
+1 CC to Special Government Pleader, SR No.60809

W.P. (MD) No.18630 of 2015
13.10.2015

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SH/ARK-IK:20.11.2015:2P/5C