

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 06.10.2016

CORAM

THE HONOURABLE MR.JUSTICE B.RAJENDRAN

W.P.No.35661 of 2016
and W.M.P.No.30654 of 2016

S.Priyanka

... Petitioner

versus

1. The Director,
Department of Medical Education
162, Periyar E.V.R.High Road,
Kilpauk,
Chennai - 600 010.
2. The Registrar,
Annamalai University,
Annamalai Nagar - 608 002.
Tamil Nadu.
3. The Dean
Faculty of Dentistry
Rajah Muthiah Dental College & Hospital
Annamalai University,
Annamalai Nagar - 608 002.
4. The Annai Medical College Hospital & Research
Sriperumbudur,
Chennai.

...Respondents

Petition under Article 226 of the Constitution of India to issue Writ of Mandamus to forbear the respondents 2 and 3 from claiming any additional tuition fee from the petitioner for releasing the original certificates as mentioned in the communication dated 13.07.2016 of the 3rd respondent.

For Petitioner	:	Mr.I.Abrar Md Abdullah
For R1	:	Mr.Digvijay Pandian Additional Government Pleader
For R2 & R3	:	Mr.Sathish Kumar, Standing Counsel

ORDER

By consent, this Writ Petition is taken up for hearing and disposal at the time of admission itself.

2. The present writ petition has been filed seeking to forbear the respondents 2 and 3 from claiming any additional tuition fee from the petitioner for releasing the original certificates as mentioned in the communication dated 13.07.2016 of the 3rd respondent.

3. According to the petitioner, she is a medical aspirant and she had secured high marks in the Higher Secondary Examinations. She applied for admission to the BDS course in the second respondent University and she was provisionally selected. Further, she was asked to pay huge fees for the same on or before 13.07.2016. The petitioner also applied for MBBS Course before the first respondent Selection Committee and she got an allotment order for the MBBS Course and she was asked to join before the fourth respondent college on or before 27.09.2016. The petitioner also paid the entire fee for the MBBS course. Since the petitioner got a seat for MBBS course, she requested the second and third respondents to return the entire certificates which were submitted at the time of admission for BDS Course.

4. Now, the grievance of the petitioner is that she is unable to sustain the MBBS seat, because of non-availability of the original certificates and due to paucity of time, she is unable to send any requisition letter to the respondents 2 and 3 seeking for return of her original certificates. Hence, she prays for return of her original certificates and also to forbear the respondents 2 and 3 from claiming any additional tuition fee from the petitioner for releasing the original certificates as mentioned in the communication dated 13.07.2016 of the 3rd respondent.

5. The learned Standing Counsel appearing for second and third respondents submitted that under law, the second and third respondents have no right to retain the certificates of the petitioner and therefore, the second and third respondents will return the certificates to the petitioner. He further submitted that the respondents will reserve their right to collect the money as agreed to be paid by the petitioner in case she comes out of the college, in the manner know to law.

6. Having regard to the above submissions, the second and third respondents are directed to return the original certificates of the petitioner including the Transfer Certificate forthwith. As the time for selection for BDS course is already extended upto 07.10.2016, the respondents shall fill up the seat, which has now become vacant, with an appropriate candidate. It is made clear that if the seat is filled up under the Government Quota, the College shall not insist on getting the money back.

7. Accordingly, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Asst. Registrar.

/true copy/

Sub Asst. Registrar.

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To

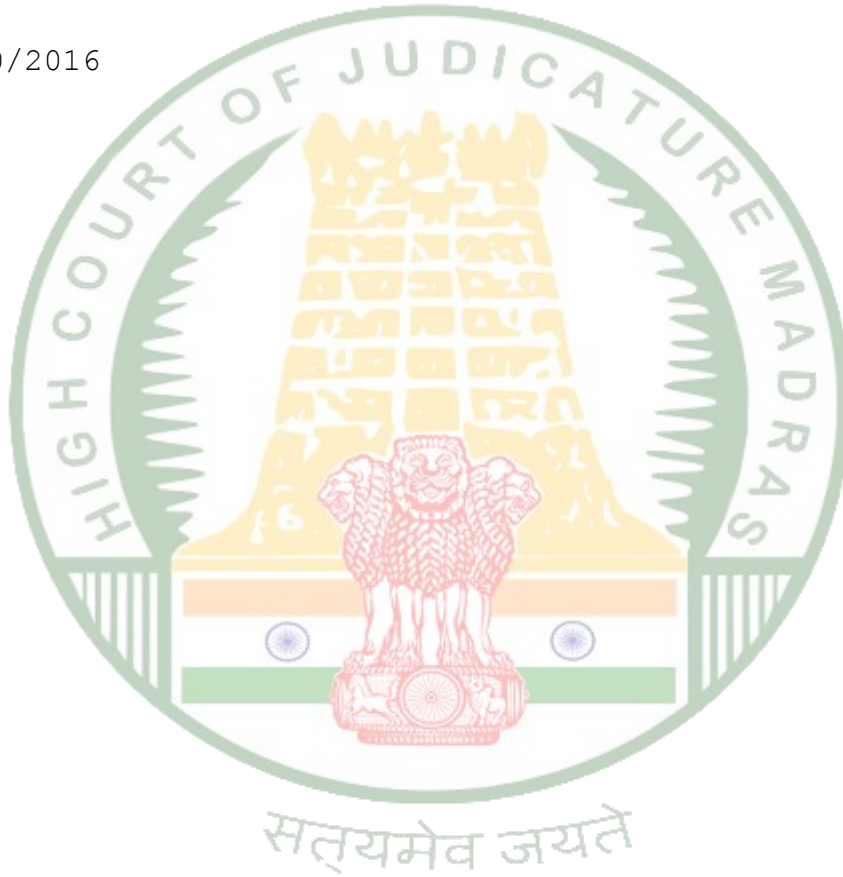
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Chennai.

5 The Secretary,
Selection Committee
Directorate and Medical Education,
Kilpauk, Chennai

+1 CC to Mr. K. Sathishkumar, Advocate Sr.No.57722
+1 CC to Government Pleader, Sr.No.57662
+1 CC to Mr. I. Abrar MD Abdullah, Advocate Sr.No.57667

W.P.No.35661 of 2016

PVS (CO)
MD : 06/10/2016



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