

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.11.2016

CORAM:

THE HONOURABLE MR. JUSTICE B.RAJENDRAN

W.P.No.38403 of 2016 & W.M.P.No.32889 of 2016

M.G.Saravana Kumar

.. Petitioner

Vs.

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

2. The Principal,
R.V.S.Dental College & Hospital,
Tiruchi Road, Kannampalayam,
Coimbatore - 641 402.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the second respondent to return the original transfer certificate enabling the petitioner to submit it before the SRM College of Medical Sciences, Tiruchi.

For Petitioner : Mr.N.R.Kaushik

For Respondents : Mr.O.R.Maheswarn,

Government Advocate (Edn) - R1

Mr.P.Godson Swaminathan - R2

ORDER

Heard the learned counsel for the petitioner and the learned counsel appearing for the respondents, who accepts notice on behalf of the respondents and with the consent on either side, the writ petition is taken up for final disposal.

2. This Writ Petition has been filed to direct the second respondent to return the original transfer certificate enabling

the petitioner to submit it before the SRM College of Medical Sciences, Trichy.

3. The case of the petitioner is that the petitioner secured 194.50 marks in the XII standard examinations. He joined BDS in the second respondent college in the Academic year 2014-2015. At that time, he surrendered all the originals before the second respondent college. While so, the petitioner attended counselling for MBBS for the year 2016-2017 and he got selected and got admitted for MBBS in SRM Medical College and he was directed to submit the original certificates. When the petitioner requested the second respondent to return the original certificates, the second respondent demanded a sum of Rs.5,00,000/- as penalty. The petitioner already paid a sum of Rs.5,00,000/- to the first respondent for the MBBS seat. Even after the first respondent sent a letter to the second respondent to return all the original documents to the petitioner, the second respondent returned all the original certificates to the petitioner except the Transfer Certificate. Hence, the petitioner has come forward with the present Writ Petition.

5. The main grievance of the petitioner is that the second respondent has not returned the Transfer Certificate to the petitioner stating that the petitioner is having huge arrears of fees. The learned counsel for the petitioner would submit that the petitioner has already paid a sum of Rs.1,25,000/- for the first year and he has paid a sum of Rs.1,00,000/- for the second year and thereby, he has totally paid a sum of Rs.2,25,000/-. The learned counsel for the petitioner further submitted that as they have already paid Rs.5,00,000/- for the MBBS Government seat, his Transfer Certificate may be directed to be returned to the petitioner.

6. Per contra, the learned counsel for the second respondent would submit that the petitioner has to pay a sum of Rs.1,25,000/- towards second year fees and a sum of Rs.1,15,000/- for the third year fees and he has to pay a total arrears of fees of Rs.2,40,000/-.

7. According to the petitioner, they have already paid a sum of Rs.2,25,000/- to the second respondent and apart from that the petitioner has already paid a sum of Rs.5,00,000/- for the MBBS Government seat. But as per the records of the second respondent, the petitioner has to pay a further sum of Rs.2,40,000/- towards the arrears of fees.

8. In view of the submissions of the learned counsel for the petitioner and in view of the fact that the petitioner has already paid a sum of Rs.5,00,000/- for MBBS admission, the petitioner is directed to pay a sum of Rs.2,00,000/- to the second respondent towards arrears of fees both for the second year and third year and on such payment by the petitioner, the second respondent is directed to return the Transfer Certificate to the petitioner. It is made clear that this Order shall not be treated as a precedent and only in the peculiar circumstances of the case, where the petitioner has got the MBBS Government seat and he has already paid a sum of Rs.5,00,000/- as penalty for the said seat, this Order has been passed.

9. With the above directions, this Writ Petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

सत्यमेव जयते

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To

1. The Director,

Directorate of Medical Education,
Kilpauk, Chennai - 600 010.

2. The Principal,

R.V.S.Dental College & Hospital,
Tiruchi Road, Kannapalayam,
Coimbatore - 641 402.

+1cc to Mr.N.R. Kaushik Advocate, S.R.No.65248

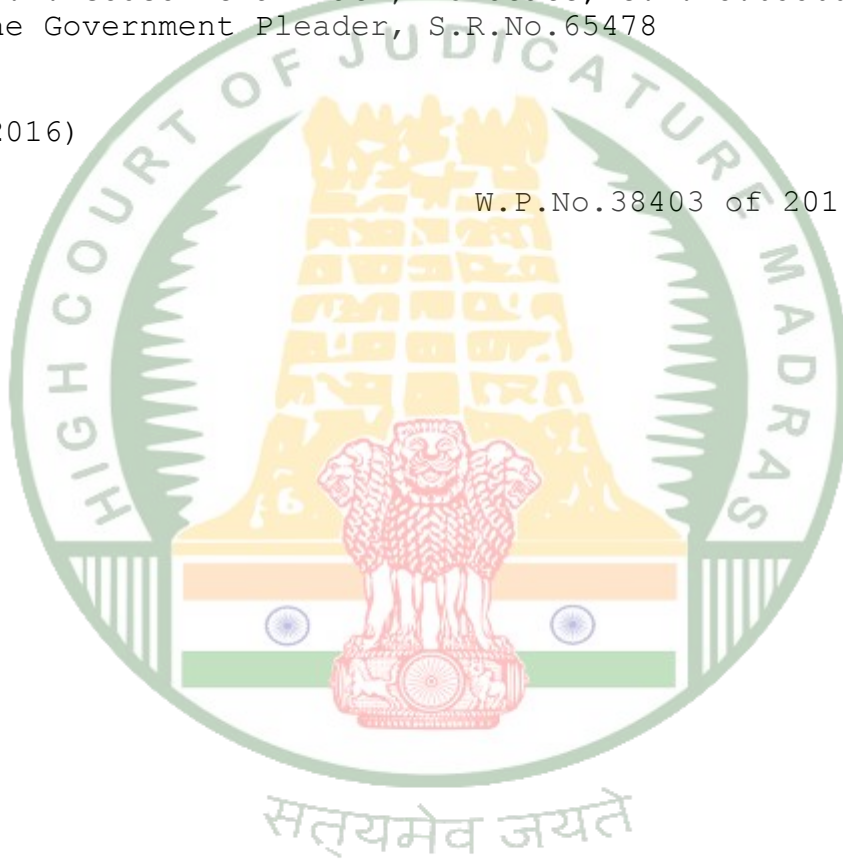
+1cc to Mr.P. Godson Swaminath, Advocate, S.R.No.65560

+1cc to the Government Pleader, S.R.No.65478

cnr(CO)

md(29/11/2016)

W.P.No.38403 of 2016



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