

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.02.2017

CORAM:

THE HONOURABLE MR. JUSTICE B.RAJENDRAN

WRIT PETITION No.3785 of 2017

V.Arthi

... Petitioner

vs.

1. The State of Tamil Nadu,
rep. by its Secretary,
Department of Health and Family Welfare,
Fort St. George,
Chennai 600 009.
2. The Principal Secretary and Director,
Indian Medicine & Homeopathy,
Arumbakkam, Chennai.
3. The Principal,
Government Siddha Medical College,
Palayankottai.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus directing the respondents to refund a sum of Rs.1,03,592/- collected from the petitioner by the 3rd respondent on 23.09.2005, pursuant to the order passed by the 3rd respondent, vide proceedings in Na.Ka.11914/Ma.Ka.1/2002, dated 06.10.2003, with interest at 9% per annum, within a time frame.

For Petitioner : Mr.R.Veeramani

For Respondents : Mr.S.Rajeswaran,
Special Government Pleader

O R D E R

The petitioner has come up with this Writ Petition seeking a direction to the respondents to refund a sum of Rs.1,03,592/- collected from her by the 3rd respondent on 23.09.2005, pursuant to the order passed by the 3rd respondent, vide proceedings in Na.Ka.11914/Ma.Ka.1/2002, dated 06.10.2003, with interest at 9% per annum.

2. According to the petitioner, she successfully completed Under-Graduate programme in Indian Medicine, i.e. B.S.M.S.

Thereafter, she joined Government Medical College Siddha at Palayankottai on 19.07.2000 for three years programme in M.D. Siddha. She was paid monthly stipend of Rs.4,400/- to Rs.5,500/- during the period of study. She successfully completed two years of study from 19.07.2000 to 17.01.2003 with good marks. During the 3rd year of study, she applied for the post of Assistant Medical Officer in Siddha by the Department of Health and Family Welfare, through TNPSC. She was selected for the post of Assistant Medical Officer in Siddha by an order of appointment issued by the Commissioner of Indian Medicine and Homeopathy, Chennai on 13.12.2002. Thereafter, the 3rd respondent, i.e. the Principal of Government Siddha Medical College, Palayankottai, issued Demand Slip on 06.10.2003, directing the petitioner to refund the stipend paid during P.G. programme in M.D. Siddha to the tune of Rs.1,03,592/-. Accordingly, the stipend amount paid to her, was recovered.

3. Thereafter, the petitioner was permitted to rejoin and continue M.D. Siddha degree course and the break in study period was also condoned, vide communication dated 11.07.2006. Based on the same, the Medical Officer, Government Hospital, Krishnapuram relieved the petitioner from duty on 12.07.2006 and directed her to join the Government Siddha Medical College, Palayankottai on 13.07.2006 in the III year of M.D. Siddha course. After completion of III year programme in M.D. Siddha, the petitioner reported back to duty as an Assistant Medical Officer Siddha. As she completed the course, she made a representation to the 2nd and 3rd respondents on 10.11.2008 to repay the stipend amount of Rs.1,03,592/- collected from her while discontinuing MD Siddha course during the III year. Since no reply was forthcoming, she made a petition to the respondents on 27.06.2016 by registered post. As there is no response from the respondents, the petitioner is before this Court with the present Writ Petition.

4. Heard the learned counsel on either side and perused the material documents available on record.

5. Considering the facts and circumstances of the case, this Court directs the respondents herein to consider the petitioner's representation dated 27.06.2016 seeking refund of stipend, on merits and in accordance with law and pass appropriate orders within a period of two months from the date of receipt of a copy of this order.

This Writ Petition is disposed of with the above direction.
No costs.

-s/d-
Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

To:

1. The Secretary,
State of Tamil Nadu,
Department of Health and Family Welfare,
Fort St. George,
Chennai 600 009.
2. The Principal Secretary and Director,
Indian Medicine & Homeopathy,
Arumbakkam, Chennai.
3. The Principal,
Government Siddha Medical College,
Palayankottai.

+ 1 cc to M/s. R. Veeramani, Advocate, SR 10006

+ 1 cc to The Govt. Pleader, SR 10221

Order in
W.P.No.3785 of 2017

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