

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.06.2017

CORAM:

THE HON 'BLE MRS.JUSTICE PUSHPA SATHYANARAYANA

Writ Petition No.14758 of 2017 and
WMP.No.15986 of 2017

Dr.S.Divya Bharathi

... Petitioner

Versus

The Registrar,
Pondicherry Institute of Medical Sciences,
Kalapet,
Puducherry-605 014.

... Respondent

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, seeking for a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order dated 10.06.2017 passed by the respondent and quash the same and further direct the respondent to deliver the Original Certificates belonging to her which are in the custody of the respondent to enable her to participate in the Counselling scheduled to be conducted at JIPMER, Puducherry for Post Graduate Medical Studies on 14.06.2017 at 8.00 a.m. in the morning at JIPMER Campus, Puducherry.

For Petitioner : Mr.S.Subramanian

For Respondent : Mr.A.Jenasenan

सत्यमेव जयते
O R D E R

The petitioner is a professionally qualified Doctor, having successfully completed her Graduation in M.B.B.S. She had applied for Post Graduate in M.D. Radiology under the Centralized Admission Committee (CENTAC) Government Quota by the Government of the Union Territory of Puducherry. A provisional allotment was given to the petitioner in the Pondicherry Institute of Medical Sciences (PIMS) by order dated 04.05.2017. However, the admission letter was issued only on 31.05.2017. Pursuant to the admission letter, as required by the Institute, the Original Certificates of the petitioner, namely, MBBS Degree Certificate, Internship Completion Certificate, Medical Registration Certificate, Course-cum-Conduct Certificate,

Migration Certificate, Transfer Certificate, Caste Certificate and 12th Standard Mark Sheet in original were submitted to the Institute. It is stated that the admission is yet to be confirmed as the same is only provisional. While so, the petitioner was shortlisted for Counselling for Post Graduate Course in Medical Sciences at Jawaharlal Institute of Post Graduate Medical Education and Research (JIPMER), Puducherry. The petitioner was selected on the basis of her performance in the Online Entrance Examination and the Counselling is scheduled on 14.06.2017 at 8.00 a.m. It is specifically instructed that all the original certificates have to be produced on the date of counselling as there is no change of date for verification of certificates or Counselling could be entertained. Though the petitioner seems to have requested the respondent on 08.06.2017 that all the original certificates mentioned above are required for the counselling scheduled on 14.06.2017, but, the respondent had rejected the request by stating 'Not permitted. Any withdrawal cannot be permitted from PG (MD Radiology) from PIMS as the last date of admission joining course was 31.05.2017.' Aggrieved by the said order, the above Writ Petition has been filed.

2. Learned Counsel appearing for the respondent contended that there are only three seats in M.D. Radiology and the last date for admission is 31.05.2017 beyond which period the admission cannot be given. If the petitioner leaves the college, the Institute would be put to great loss.

3. The question that arises for determination is as to whether the petitioner is entitled to get her original certificates from the respondent Institute?

4. Admittedly, the JIPMER, Puducherry, in which the petitioner has got admission is beyond the purview of Medical Council Regulations. The said institute is directly governed by the Central Government. When a student wants to move to another institute for better prospective, the respondent cannot have any objection. The respondent has got a duty to return the certificates. The right coupled with the corresponding duty cannot be evaluated in terms of money. In any case, no question of penalty involved as the petitioner did not discontinue the earlier course. The petitioner's admission itself is happened only on the last date earmarked for admission. Even if the college has got any monetary claim, the refusal to give the certificates is not the method by which the claim can be enforced. The respondent has got no list on the certificates of the petitioner. Even assuming for a moment that the respondent would incur loss, if the petitioner is permitted to leave the college, the respondent cannot canvas the same here. What is entitlement of the college to collect the balance of the fees

cannot be considered at this point of time. It is only about a refusal to return the certificates submitted at the time of admission. Gaining admission in an Institute like JIPMER is anybody's life time dream, the same cannot put off by another Institute imparting similar education by refusing to give the certificates to enable the petitioner to join the JIPMER.

5. Admittedly, the petitioner was selected in the Government Quota and she has paid Rs.5,50,000/- fees as fixed by the Fee Committee. In fact, the undertaking taken from the student on 31.05.2017 specifically says that in the event of this petitioner unable to pay the fees, she has to only forgo the seat allotted to her. Therefore, the petitioner is entitled for the return of all her original certificates from the respondent University as the Counselling is stated to be held on 14.06.2017 at 08.00 a.m. The respondent is directed to return the original certificates of the petitioner forthwith, however, not later than 04.00 p.m. today (13.06.2017).

6. The Counsel for the respondent is directed to inform the Institute telephonically to return the certificates without waiting for a copy of the order of this Court.

7. With the above direction, the Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is also closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

tsi
To

The Registrar,
Pondicherry Institute of Medical Sciences,
Kalapet,
Puducherry-605 014.

+lcc to Mr.S.Subramanian, Advocate Sr.41804 [14/06/2017]

W.P.No.14758 of 2017

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srg 13/06/2017