

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.11.2017

CORAM

THE HONOURABLE MR. JUSTICE N. KIRUBAKARAN

W.P.No.17808 of 2017
and
W.M.P.No.19317 of 2017

M. Srinivasan

..Petitioner

Vs.

1. The Government of Tamilnadu,
Represented by its Secretary,
Department of Higher Education,
Fort St.George,
Chennai.
 2. Meenakshi Academy of Higher Education
and Research,
Represented by its Registrar,
No.12, Vembuliyamman Koil Street,
West K.K.Nagar,
Chennai-78.
 3. Meenakshi Medical College and Research Institute,
Represented by its Dean,
Enathur,
Kanchipuram District.
- ..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus or any other order in the nature of writ directing the thrid respondent to return the original educational certificates and issue Transfer Certificate to the petitioner and further to repay the Fee of Rs.15 lakhs paid by the petitioner for the academic year 2016-17.

For Petitioner : Mr. P.G.Thiyagu for R.Venkatesan

For Respondents: Mr.T.M.Pappiah
Special Government Pleader for R1
Mr.K.R.Tamizhmani for R2 & R3.

O R D E R

This writ petition has been filed to direct the third respondent to return the original educational certificates and issue Transfer Certificate to the petitioner and further to repay the Fee of Rs.15 lakhs paid by the petitioner for the academic year 2016-17.

2. The petitioner joined Medicine in the third respondent college by paying a sum of Rs.15,00,000/- as fees for the academic year 2016-17. The petitioner was admitted in the Course on 09.09.2016 as a Management Candidate and thereafter, the petitioner secured an allotment in General Medical Counselling for the academic year 2016-17. Subsequently, the petitioner got admission in Government Medical College and ESIC Hospital, Coimbatore, during the academic year 2017-18 in medicine. Therefore, petitioner has come before this Court seeking return of Rs.15,00,000/- which the petitioner had paid for the academic year 2016-17 to the third respondent medical college.

3. Heard Mr. R.Venkatesan, learned counsel appearing for the petitioner, Mr.T.M.Pappiah, learned Special Government Pleader appearing for the first respondent, and Mr.K.R.Tamizhmani, learned counsel appearing for the second and third respondents.

4. Taking into consideration the payment of fees made by the petitioner and the petitioner not undergoing the course in the third respondent institute, this Court suggested the parties to settle the matter. Mr.K.R.Tamizhmani, learned counsel for respondents 2 and 3 promptly and positively agreed, so also the learned counsel for the petitioner.

5. Mr.K.R.Tamizhmani, in the last hearing produced a demand draft for a sum of Rs.3,00,000/-. However, the learned counsel for the petitioner sought time to get instructions from the petitioner to ascertain his willingness to receive the amount.

6. When the matter is called today, the petitioner's father V.Munusamy, a retired Government employee is present and he would submit that a sum of Rs.15,00,000/- was paid and he is inclined to settle the matter for a sum of Rs.8,00,000/-. However, the third respondent is willing to settle the matter only for a sum of Rs.3,00,000/-.

7. This Court suggested to the third respondent to pay a sum of Rs.5 ½ lakhs in full and final settlement of the claim

made by the petitioner for which the learned counsel for the petitioner as well as petitioner's father who is present before this Court have agreed. In view of that, demand draft dated 06.10.2017 drawn on Punjab National Bank, K.K.Nagar Branch, Chennai, in favour of the petitioner for a sum of Rs.3,00,000/- is handed over to the petitioner's father for which the petitioner's father as well as the petitioner's counsel have made endorsements in the Court's bundle.

8. Mr.K.R.Tamizhmani, learned counsel for respondents 2 and 3 assured that the balance amount of Rs.2 ½ lakhs [Rupees Two Lakhs and Fifty Thousand] shall be paid by way of Demand Draft, which will be handed over to the learned counsel for the petitioner on or before 17.11.2017.

9. The writ petition is disposed of in the above terms. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To
The Government of Tamilnadu,
Represented by its Secretary,
Department of Higher Education,
Fort St.George, Chennai.

+1cc to Mr.R.Venkatesan, Advocate Sr.No.79388
+1cc to Government Pleader SR.No.79595

W.P.No.17808 of 2017

sm:29.11.2017

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