

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.04.2017

CORAM

THE HON'BLE Mr.JUSTICE HULUVADI G.RAMESH
And
THE HON'BLE MR JUSTICE RMT.TEEKAA RAMAN

W.A.No.1089 of 2016
and
CMP.No.14120 of 2016

The Chairman,
Priyadarshini Dental College and Hospital,
VGR Garden,
Pandur-631 203,
Pandur-631 203,
Thiruvallur Taluk and District

...Appellant/
4th Respondent in WP

vs.

1.B.K.Vidhya

2.The Dental Council of India,
rep.by its Secretary,
AIWAN E Galibmar
Kotla Road,
New Delhi-110 002

3.The Secretary to Government,
Health and Family Welfare Department,
Government of Tamil Nadu,
Secretariat, Chennai-600 009.

4.The Vice Chancellor,
Tamil Nadu Dr.M.G.R.Medical University,
No.46, Anna Salai,
Guindy, Chennai-600 032

.... Respondents

Writ Appeal preferred under Clause 15 of the Letters Patent against the order dated 10.02.2015 made in W.P.No.16872 of 2010.
WP Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of Writ of Mandamus directing the third respondent to grant Eligibility Certificate to the petitioner to complete the BDS course through the Fourth respondent College and permit the petitioner to write II year BDS examination to be held in August 2010

For Appellant :Ms.Kavitha Deenadayalan

For Respondents :Mr.T.P.Kathiravan for R1
Mr.Dr.S.Seethalakshmi,
Standing counsel for R2
Mr.P.S.Sivashanmugha Sundaram
Spl.G.P.for R3
Mr.P.R.Gopinathan for R4

JUDGMENT

(Judgment of the Court was delivered by HULUVADI G.RAMESH,J)

The first respondent herein, as writ petitioner, filed the writ petition seeking a direction to the third respondent therein, namely, The Vice Chancellor, Tamil Nadu Dr.M.G.R.Medical University, to grant Eligibility Certificate to her to complete the BDS course through the fourth respondent college, namely, Priyadarshini Dental College and Hospital. The learned single Judge, by the impugned order, dated 10.02.2015, directed the Priyadarshini Dental College and Hospital to return all the original certificates of the candidate and also directed to refund the entire fees paid by the candidate, apart from imposing a compensation of Rs.2,00,000/- to be paid by the said college. The said order has also been confirmed, during the clarification at the instance of Priyadarshini Dental College, disowning their liability. Not satisfied with the said order, Priyadarshini Dental College is on appeal before this Bench.

2. It is seen from the records that the first respondent herein/writ petitioner got admission in the Tamil Nadu Dr.M.G.R.Medical University, in the B.D.S.course, on the undertaking that she will produce equivalence certificate from the Government of Tamil Nadu, since she completed the Vocational Higher Secondary examination in the State of Kerala. Subsequently, since the candidate could not produce the equivalence certificate, as undertaken by her, the University discharged her from the course. Subsequently, she got admission in the appellant College, namely, Priyadarshini Dental College and Hospital, under the Management quota.

3. The learned single Judge, on thorough analysis of the facts found that the appellant/Priyadarshini Dental College and Hospital, knowing fully well that the person who studied vocational course in higher secondary in the State of Kerala is not eligible to seek for admission to medical course in the Tamil Nadu State, misled the candidate and admitted her in the course, in the Management quota. The learned single Judge has also found that the provisional permission granted by

Dr.M.G.R.Medical University cannot be found fault, as the University has admitted the student only on the undertaking given by her that she would obtain equivalence certificate from the Government of Tamil Nadu and produce the same in due course. Only on that undertaking, Dr.M.G.R.Medical University has admitted the candidate provisionally and as such, the action of the said University in discharging the candidate from the course cannot be found fault and no liability can be fixed on them. The said view taken by the learned single Judge, does not call for any interference.

4. In the result, the writ appeal fails and the order of the learned single Judge stands confirmed. It is for the appellant/Priyadharshini Dental College and Hospital to look into the matter and settle the issue before the end of May 2017, without giving any room for further orders. No costs. Connected miscellaneous petition is dismissed.

Sd/-

Asst.Registrar

/true copy/

Sub Asst. Registrar

msk

To

1. The Secretary,
The Dental Council of India,
AIWAN E Galibmar
Kotla Road,
New Delhi-110 002
2. The Secretary to Government,
Health and Family Welfare Department,
Government of Tamil Nadu,
Secretariat, Chennai-600 009.
3. The Vice Chancellor,
Tamil Nadu Dr.M.G.R.Medical University,
No.46, Anna Salai,
Guindy, Chennai-600 032

+1cc to M/S.S. Seethalakshmi, Advocate Sr. 25248
+1cc to Mr.P.R.Gopinathan, Advocate Sr. 25405
+1cc to Mr.T.Kathiravan, Advocate sr.5710 (9/6/2017)
+1cc to Government Pleader sr.40917 (9/6/2017)

W.A.No.1089 of 2016

KS (CO)
VR (02/06/2017)