

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.04.2017

CORAM:

THE HON 'BLE MRS.JUSTICE PUSHPA SATHYANARAYANA

Writ Petition No.384 of 2016

Dr.J.Bhavani

... Petitioner

Versus

1. The Director of Medical Education,  
Directorate of Medical Education,  
Kilpauk, Chennai-10.
  2. The Dean,  
Madras Medical College,  
Chennai-3.
- ... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, seeking for a writ of mandamus, directing the respondents to refund the sum of Rs.5,00,000/- (Rupees Five Lakhs Only) collected from the petitioner under a bond executed by the petitioner at the time of her DPM (Diploma in Psychological Medicine) admission at the 2nd respondent college by passing orders on the representation dated 12.09.2015.

For Petitioner : Mr. G.Jusin

For Respondents : Mr.V.Anandhamurthy, AGP.

O R D E R

The Writ Petition has been filed seeking to issue a Writ of Mandamus, directing the respondents to refund the sum of Rs.5,00,000/- (Rupees Five Lakhs Only), collected from the petitioner under a bond executed by her at the time of her DPM (Diploma in Psychological Medicine) admission at the 2nd respondent college, by passing orders on her representation dated 12.09.2015.

2. It is stated that the petitioner got admission to the 2nd respondent college under State Quota and joined the college for DPM (Diploma in Psychological Medicine) for the academic year 2010-2012. At the time of joining, all the original certificates pertain to the petitioner were entrusted to the 2nd respondent on the promise that they would be returned to her

on completion of the course. Besides that, the petitioner has also executed a bond for a sum of Rs.5,00,000/-. On completion of the course, the 2nd respondent demanded the bond amount of Rs.5,00,000/- to return the original certificates. The petitioner also paid a sum of Rs.5,00,000/- by Demand Draft drawn in favour of the Dean Welfare Fund as per the direction of the 1st respondent and after the receipt of the said sum, her original certificates were returned.

3. It is further stated that in similar circumstances, this Court in W.P.No.12923/2003 and etc. batch by order dated 12.12.2008 has held that the certificates cannot be retained by the authorities and accordingly disposed of the writ petitions on the following terms:

''(1) The PG Degree/Diploma Holders, who applied for their Degree/Diploma course through All India Entrance Examination for selection to All India Quota Seats and admitted to Tamil Nadu Government Medical Colleges are not bound by the terms and conditions issued by the respondents through their prospectus. Even if any candidate executed bond, it will have no effect since they have not applied for admission under the impugned prospectus.

...

(3) No PG Degree/Diploma Holder shall be denied of their certificates in original on their completion of their course as the respondents have no jurisdiction to retain their certificates and the respondents are directed to return all the certificates of the petitioners within two weeks from the date of the receipt of a copy of this order...''

Hence, the petitioner has made a representation dated 12.09.2015 to the 2nd respondent for refund of the said sum of Rs.5,00,000/-. But, no action is forthcoming. Hence the present Writ Petition.

4. Heard the learned Counsel for the petitioner and the learned Additional Government Pleader appearing for the respondents.

5. Considering the facts and circumstances of the matter, without expressing any opinion on the merits of the claim made by the petitioner, the Writ Petition is disposed of, by directing the 2nd respondent to consider and pass orders on the

representation of the petitioner dated 12.09.2015 on merits and in accordance with law and also in the light of the orders passed by this Court in W.P.No.12923/2003 and etc. batch, dated 12.12.2008, within a period of four weeks from the date of receipt of a copy of this Order. No costs.

Sd/-  
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

1. The Director of Medical Education,  
Directorate of Medical Education,  
Kilpauk, Chennai-10.
2. The Dean,  
Madras Medical College,  
Chennai-3.

+1cc to Mr.G.Justin, Advocate Sr.20605

+1cc to the Government Pleader Sr.20907

W.P.No.384 of 2016

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srg 21/04/2017

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