

The Hon'ble Sri Justice V. RAMASUBRAMANIAN
and
The Hon'ble Sri Justice M. GANGA RAO

+ WRIT PETITION No.33810 OF 2017

Date:12.12.2017

Between:

%Ms.Shanti Shriram D/o.Sri Sreeram Srinivas,
Aged about 25 years, R/o.Plot No.17, Laxminagar,
Gudimarlkapr, Hyderabad, Telangana.

...Petitioner

Vs.

\$ The State of Telangana,
Rep.by its Special Chief Secretary,
Health, Medical and Family Welfare Department,
Secretariat Buildings, Hyderabad and others.

... Respondents

! Counsel for Petitioner : Sri Sandeep Reddy Sama

^ Counsel for Respondents : G.P. for Medical & Health (TG)
Sri A. Prabhakar Rao
Sri Kasi Nageswara Rao
Sri K. Lakshman (Asst. Solicitor
General)

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> Head Note

? Cases Referred : Nil

HON' BLE SRI JUSTICE V. RAMASUBRAMANIAN

AND

HON' BLE SRI JUSTICE M. GANGA RAO

WRIT PETITION No.33810 OF 2017

ORDER: (per V. Ramasubramanian, J)

The petitioner, who joined the 3rd respondent College in MDS (Endodontics) course, under the Management Quota, but later quit, has come up with the above writ petition seeking a Mandamus to direct the respondents 2 and 3 to return the original certificates now lying with the 3rd respondent College.

2. Heard Mr. Sandeep Reddy Sama, learned counsel appearing for the petitioner, learned Government Pleader for Medical and Health appearing for the 1st respondent, Mr. A. Prabhakar Rao, learned counsel appearing for the 2nd respondent, Mr. Kasi Nageswara Rao, learned counsel appearing for the 3rd respondent and the learned Assistant Solicitor General, appearing for the respondents 4 and 5.

3. In a counselling held on 26.05.2017, the petitioner was allotted a seat in MDS (Endodontics) course in the 3rd respondent College. The petitioner reported in the 3rd respondent College on 27.05.2017, surrendered her original certificates and also issued a cheque. But, the next day, namely, on 28.05.2017, the petitioner got allotted a seat in some other college in Tamil Nadu and hence, she instructed the Bank not to honour the cheques issued to the 3rd respondent College. But, when she sought return of the original certificates, the same was not provided forcing the petitioner to come up with the above writ petition.

4. Mr. A. Prabhakar Rao, learned Standing counsel appearing for the 2nd respondent University contended that under Rule – 7 (xiv)(a) of

the Telangana Medical Colleges (Admission into Post Graduate Medical Courses) Rules-2017, candidates who were selected for admission to P.G. Course, but who failed to report and the candidates who get admitted and later withdraw from the course are obliged to make payment of a sum of Rs.5,00,000/- towards forfeiture of bond and that therefore, unless the petitioner makes payment, she cannot seek return of the original certificates. Our attention is also invited to a bond executed in the format prescribed in Annexure-III A of the prospectus, where candidates getting admitted to Post Graduate Courses used to undertake to pay the University a sum of Rs.5,00,000/- in the event of leaving the course after joining.

5. But, today the admitted fact is that since the last date for counselling was 28.05.2017, the management filled up the seat vacated by the petitioner under the Management quota and no seat has gone vacant. Even according to the University, the object of stipulating payment of a sum of Rs.5,00,000/-, was to compensate for the loss that a more meritorious student would have suffered on account of being deprived of the opportunity to join the course. If more meritorious candidates joined the course and leave the course midstream, the seat goes a waste, causing a dent in the infrastructure of the College and also depriving the candidates who were next to them in the order of merit from getting a seat in the College. Therefore, it is the contention of the University that the bond was justified and the amount to be paid.

6. But, in the case on hand, no such thing has happened. The petitioner got allotment of a seat only under the Management Quota. That seat has also now been filled up under the Management quota. Therefore, neither the College nor any other meritorious candidate has come to suffer on account of the petitioner leaving the course.

7. In any case, if the petitioner leaves the course midstream, it may at the best for the University, be a case for invocation of the bond. The original certificates deposited by candidates with the College are not to be taken as pledging of the certificates either with the College or with the University. Therefore, the College itself is not today taking a very tough position as the University has taken.

8. In the light of the above, the writ petition is allowed directing the 3rd respondent College to return the original Certificates to the petitioner within a week.

9. As a sequel thereto, miscellaneous petitions, if any, pending shall stand dismissed. No order as to costs.

V. RAMASUBRAMANIAN, J

M. GANGA RAO, J

December 12, 2017
KTL

