

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 27.02.2018
CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.22754 of 2010

J.E.Ramjee

... Petitioner

Vs

1.The Govt. of Tamil Nadu,
rep. by its Secretary,
Higher Education Department,
Fort St. George,
Chennai.

2.The Selection Committee,
Directorate of Medical Education,
Chennai -10.

3.The Dean,
Anna University, Tiruchirappalli
Tiruchirappalli - 620 024.

4.The Dean,
Sree Muthukumaran Medical College,
Mangadu,
Chennai.

.... Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the fourth respondent college to award a reasonable compensation to the petitioner for denial of the petitioner admission, award litigation expenses and also direct to refund a sum of Rs.25,500/- paid on 26.09.2010 by the petitioner before the second respondent.

(prayer amended as per the order of this Court dated 08.06.2011 in MP.No.1 of 2011)

For Petitioner	: Mr.K.Sathish Kumar
For R1 & R2	: Mr.C.Munusamy, Special Govt Pleader (Edn)
For R3	: Mr.M.Vijayakumar
For R4	: Mr.G.Masilamani, Senior Counsel for Mr.T.Meikandan

ORDER

By way of this writ petition, the petitioner has sought for a writ of Mandamus, directing the fourth respondent College to award a reasonable sum as compensation for denial of admission to him and litigation expenses and also refund a sum of Rs.25,500/- paid on 26.09.2010 before the second respondent.

2. Heard both sides and perused the records.

3. The averments made in the affidavit filed in support of this writ petition would reveal that the petitioner has got seat in the fourth respondent college for the medical course during the academic year 2010-11, through counselling. At that time, he has paid a sum of Rs.25,500/- towards counseling fee in favour of the second respondent and received the allotment order on 29.09.2010. However, he was not admitted in the fourth respondent college for want of transfer certificate, inspite of the request made by the petitioner that he would produce the same, after obtaining it from the third respondent within a week. Subsequently, the fourth respondent college has given admission to some other candidate. Hence, this writ petition.

4. After notice, the respondents 1 and 2 have filed a counter affidavit stating that after allotment, the amount of Rs.25,500/- paid by the petitioner will not be refunded, if he does not join the course or discontinued the course. The fourth respondent college has also filed a detailed counter affidavit denying the allegations made against them in the writ petition.

5. This Court is not inclined to go into the contentions raised by the respective parties, in detail, at this distant point of time, as the issue involved herein is related to the Academic Year 2010-11.

6. However, considering the plight of the petitioner and taking note of the fact that the seat allotted to the petitioner has subsequently been filled up by the fourth respondent college, this Court, as a special case, directs the fourth respondent college to refund the counselling fee of Rs.25,500/-, which was paid by the petitioner at the time of counselling, before the second respondent, to the petitioner, within a period of four weeks from the date of receipt of a copy of this order. It is made clear that this order will not be treated as a precedent in any other matter.

7.This Writ Petition is disposed of as indicated above. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

To

1.The Govt. of Tamil Nadu,
rep. by its Secretary,
Higher Education Department,
Fort St. George, Chennai.

2.The Selection Committee,
Directorate of Medical Education,
Chennai -10.

3.The Dean,
Anna University, Tiruchirappalli
Tiruchirappalli - 620 024.

+1 cc to Mr.K.Sathish kumar Advocates sr 14929
+1 cc to Mr.M.Vijaya kumar Advocate sr 14944
+1 cc to Mr.L.P.Shanmugasundaram Advocate sr 15172
+1 cc to Govt pleader sr 15890
+1 cc to Mr.T.Meikandan Advocate sr 15288

W.P.No.22754 of 2010

ks(co)
aa19/04/2018

सत्यमेव जयते

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