

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06-03-2018

CORAM :

THE HONOURABLE MR. JUSTICE R.MAHADEVAN

Writ Petition No.32146 of 2013

Dr.Nimish Danial

.. Petitioner

Versus

1. The Director

Directorate of Medical Education
Tamil Nadu Medical Service
Government of Tamil Nadu
Kilpauk, Chennai - 600 010

2. The Dean

Thanjavur Medical College
Thanjavur.

.. Respondents

Petition filed under Article 226 of The Constitution of India praying for a Writ of Mandamus directing the respondents to return the petitioner's original certificates viz., SSLC, +2 mark sheet, CRRI Completion Certificate, MBBS Degree certificate, Medical Registration Certificate, MBBS Mark sheet, M.D(Anaesthesiology) Degree certificate, M.D (Anaesthesiology) Provisional Certificate, Community Certificate, Income Certificate, Attempt Certificate, Course & Conduct Certificate (MBBS), Transfer certificate, Nativity-cum-Residence Certificate and other certificates to the petitioner without insisting bond condition.

For Petitioner : Mr. J. Ferozkhan

For Respondents : Mr. C.Munusamy, SGP (Education)

ORDER

The petitioner has come up with the present writ petition for a Mandamus directing the respondents to return the original certificates viz., SSLC, +2 mark sheet, CRRI Completion Certificate, MBBS Degree certificate, Medical Registration Certificate, MBBS Mark sheet, M.D(Anaesthesiology) Degree certificate, M.D (Anaesthesiology) Provisional Certificate, Community Certificate, Income Certificate, Attempt Certificate, Course & Conduct Certificate (MBBS), Transfer certificate,

Nativity-cum-Residence Certificate and other certificates to him, without insisting bond condition.

2.It is the case of the petitioner that he has been selected for higher education through All India quota and at the time of admission, he has submitted all the original certificates as referred to above and executed a bond as a condition precedent. Now, he has completed the degree course and sought for original certificates, without insisting bond condition. However, the respondents have not considered the request of the petitioner. Hence, the petitioner has sent a representation dated 15.11.2013 to the respondents. Finding no response on the said representation, he has filed the present writ petition.

3.The learned counsel for the petitioner submitted that in identical circumstances, in a batch of writ petitions, in the case of Dr. S. Rajesh vs. State of Tamil Nadu and another (2009 1 MLJ 1103), this Court was pleased to hold that the bond executed by the students, who were all selected under the All India quota for higher education, is null and void and the same is not enforceable. It is further submitted that one Dr. S. Vaishnavi has filed W.P. No. 23243 of 2012 before this Court praying to direct the respondents therein to return the certificates and this Court also, by an order dated 21.09.2012, issued such direction to the respondents to return the certificates to the petitioner within a period of two weeks. Pursuant to the order of this Court, the respondents have also returned the certificates to the petitioners therein. Therefore, the learned counsel sought for similar relief in this writ petition as well.

4.The learned Special Government Pleader appearing for the respondents fairly submitted that the representation of the petitioner will be considered by the respondents in the light of the earlier order passed by this Court, within a time frame to be fixed by this Court. सत्यमेव जयते

5.I heard the counsel for both sides. In the earlier batch of cases, this Court held that the respondents have no authority to seek for execution of bond from the students who were selected under the All India Quota. It was also held that such a condition for execution of bond is not indicated in the prospectus issued by the respondents for admission to higher education. This Court also held that even if bond was executed, it will have no force of law besides being invalid. Therefore, this Court directed the respondents to return the certificates without insisting for a bond. Following the same, the relief of Mandamus sought for by the petitioner herein has to be considered. As mentioned above, the petitioner has submitted a

representation dated 15.11.2013 in which he has prayed for the return of the original certificates, which is the relief sought for in this writ petition. Therefore, the respondents are directed to consider the representation dated 15.11.2013 of the petitioner seeking for return of the original certificates submitted at the time of admission, if not considered earlier and pass appropriate orders thereon in terms of the earlier orders passed by this Court within a period of four weeks from the date of receipt of a copy of this order.

6. With the above direction, the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (CCC)

//True Copy//

Sub Assistant Registrar

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To

1. The Director

Directorate of Medical Education
Tamil Nadu Medical Service
Government of Tamil Nadu
Kilpauk, Chennai - 600 010

2. The Dean

Thanjavur Medical College
Thanjavur.

+1cc to the Government Pleader, S.R.No. 17411

WP No.32146/2013

nmi (CO)

TR(20/04/2018)

सत्यमेव जयते

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