

IN THE HIGH COURT OF JUDICATURE AT MADRAS

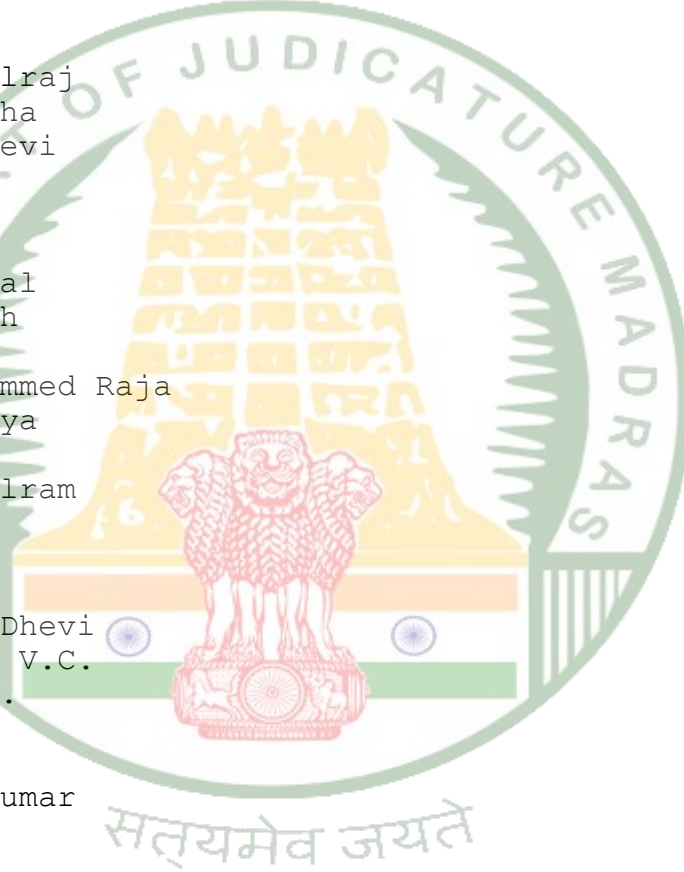
DATED 15.03.2019

CORAM

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

W.P.No.2364 of 2019

- 1.Dr.R.Renjith Singh
- 2.Dr.A.Sentamizh Selvan
- 3.Dr.R.Vasanthi
- 4.Dr.R.Balaji
- 5.Dr.T.Henry Danielraj
- 6.Dr.G.Dharani Sudha
- 7.Dr.S.Subbathra Devi
- 8.Dr.Prabakaran.B
- 9.Dr.V.Uvaraj
- 10.Dr.B.Deniraja
- 11.Dr.S.Arvind Vimal
- 12.Dr.C.Jayaprakash
- 13.Dr.Aswin A.V.
- 14.Dr.E.Sheik Mohammed Raja
- 15.Dr.P.Mohana Priya
- 16.Dr.D.Kanagaraj
- 17.Dr.Jayaram Kosalram
- 18.Dr.M.Sivakami
- 19.Dr.R.Vanathi
- 20.Dr.Sivatha
- 21.Dr.Jayalakshmi Dhevi
- 22.Dr.Sathya Banu, V.C.
- 23.Dr.Srinivasan G.
- 24.Dr.K.Selvi
- 25.Dr.V.Vahini
- 26.Dr.R.Aravinda Kumar
- 27.Dr.T.Sangeetha
- 28.Dr.V.Hari Babu
- 29.Dr.S.Sittaramane
- 30.Dr.Shajitha Nasreen
- 31.Dr.R.Karpagavalli
- 32.Dr.S.Shankar
- 33.Dr.V.R.Nithyakumar
- 34.Dr.Thillai Nachiyar
- 35.Dr.Sathish Kumar
- 36.Dr.Kumaran
- 37.Dr.E.R.Subapriya
- 38.Dr.Saravanan M.S.P.
- 39.Dr.Prakash D.
- 40.Dr.Murali



WEB COPY

.. Petitioners

Vs.

- 1.The Government of Tamil Nadu,
Rep by its Secretary,
Health & Family Welfare Department,
Fort St. George,
Chennai - 600 009.
 - 2.The Government of Tamil Nadu,
Rep by its Secretary,
Higher Education Department,
Fort St. George,
Chennai - 600 009.
 - 3.The Director of Medical Education,
152, E.V.R. Periyar Salai,
Kilpauk,
Chennai - 600 010.
 - 4.The Registrar,
Annamalai University,
Annamalai Nagar,
Chidambaram,
Cuddalore District.
 - 5.The Chairman,
Fee Fixation Committee for Medical Colleges,
Gandhi Mandapam Road,
Chennai - 600 025.
 - 6.The Medical Council of India,
Rep. by its Secretary,
Pocket 14, Phase I, Sector 8, Dwarka,
New Delhi - 110 077.
 - 7.The Vice Chancellor,
Annamalai University,
Annamalai Nagar,
Chidambaram,
Cuddalore District.
- WEB COPY .. Respondents

PRAYER : Writ Petitions filed Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to publish the results of the final year examination held on May, 2018 and to hand over and return all the original documents and certificates submitted at the time of admission together with the excess amount of fees

collected for the post graduate degree course.

For Petitioners : Mr.M.K.Kabir, Senior Counsel
for M/s.Kingsly Solomon

For RR1 to 3 & 5 : Mr.V.Kadhirvelu
Special Govt. Pleader (Hr. Education)

For RR4 & 7 : Mr.K.Sathish Kumar

For R6 : Mr.V.P.Raman

O R D E R

The writ petition has been filed seeking a mandamus directing the respondents to publish results of the Post Graduate Degree/Diploma final year examination held in May, 2018.

2. Heard both sides.

3. According to the petitioners, as per the order of the Hon'ble Supreme Court, the Private Unaided Medical Colleges are entitled to receive only a sum of Rs.2,30,000/- to Rs.3,00,000/- for Post Graduate Medical Courses in the year 2015-16, whereas, the fourth and seventh respondent institution/University is receiving between Rs.7,00,000/- and Rs.9,80,000/-. Therefore, this Court, by way of interim measure, directed the petitioners to pay 50% of the total tuition fees as determined by the fourth respondent. The petitioners have already remitted a sum of Rs.5,00,000/- every year with total of Rs.15,00,000/-, which, according to them is in excess. It is pointed out that the Hon'ble Supreme Court on 10.12.2018 had specifically passed an interim order that there is no justification for fixing higher fees for Raja Muthaiah Medical College as compared to the Private Unaided Medical Colleges for M.B.B.S. (U.G.), B.D.S. (U.G.), Medical (P.G.) and M.D.S.(P.G.). Hence, it was directed that the fees that has been fixed for the Private Unaided Medical Colleges for M.B.B.S. (U.G.), B.D.S. (U.G.), Medical (P.G.) and M.D.S.(P.G.) shall be realized by the University/College from the students and not even a penny more, during the pendency of the writ petition.

4. It is represented that though it was originally posted for hearing this month, now it is represented that it is posted in the month of April, 2019. The petitioners herein only states that the results are not published as fees demanded by the college is not paid. According to them, non-publication of the results would have an adverse impact on their seniority in the

Government service. It is also further pointed out by the learned Senior Counsel that the petitioners have already executed a bond that they would continue in the Government service even if they cleared the examination and it is difficult to jump the said bond.

5. In such situation, this Court is of the view that the respondents could be directed to publish the results of the final year examination alone. The petitioners cannot demand the return of original documents, certificates submitted at the time of admission, as the same can be returned subject to the result of the final orders to be passed by the Hon'ble Supreme Court on the question of payment of fees and on making the payment accordingly.

6. Therefore, the fourth respondent is directed to publish the results of the final year examination for Post Graduate Degree/Diploma Courses held in May, 2018 alone within a period of two weeks from the date of receipt of a copy of this order. The petitioners cannot claim return of original documents or even the conferment of their Post Graduate Degree/Diploma on the ground of equity before the decision of the Hon'ble Supreme Court is taken.

7. With the above directions, the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-I)

//True Copy//

Sub Assistant Registrar

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To

1.The Secretary,
Health & Family Welfare Department,
Government of Tamil Nadu,
Fort St. George,
Chennai - 600 009.

2.The Secretary,
Higher Education Department,
Government of Tamil Nadu,
Fort St. George,
Chennai - 600 009.

3.The Director of Medical Education,
152, E.V.R. Periyar Salai,
Kilpauk,
Chennai - 600 010.

4.The Registrar,
Annamalai University,
Annamalai Nagar,
Chidambaram,
Cuddalore District.

5.The Chairman,
Fee Fixation Committee for Medical Colleges,
Gandhi Mandapam Road,
Chennai - 600 025.

6.The Secretary,
Medical Council of India,
Pocket 14, Phase I, Sector 8, Dwarka,
New Delhi - 110 077.

7.The Vice Chancellor,
Annamalai University,
Annamalai Nagar,
Chidambaram,
Cuddalore District.

+1cc to Mr.K.Sathish Kumar, Advocate, S.R.No. 74457
+1cc to Mr.Kingsly Solomon, Advocate, S.R.No.25439
+1cc to the Government Pleader, S.R.No. 25142

W.P.No.2364 of 2019

RK(CO)
GN(22/03/2019)

सत्यमेव जयते

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