

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.04.2019

CORAM

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

W.P.No.2595 of 2019

R.Pradeep Kumar
Rep by his Guardian/Father
Dr.C.Ravi

.. Petitioner

vs.

1. The Director of Medical Education,
Kilpauk, Chennai 600 010.
Chennai 600 010.
2. The Management of JKK Nataraja Dental College,
Natarajapuram,
Kumarapalayam - 638 183,
Erode District.
3. Mr.S.Murugan
Admission In-Charge,
JKK Nataraja Dental College,
Natarajapuram,
Kumarapalayam - 638 183
4. The Registrar,
Tamil Nadu Dr.M.G.R.Medical University,
No.69, Anna Salai,
Guindy, Chennai 600 032 .. Respondents
[R4 suomotu impleaded vide order
dated 20.03.2019 made in W.P.No.2595/19
by PSNJ]

PRAYER: Writ Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 2nd and 3rd respondents herein to return the original certificates of the petitioner and also refund the fee sum of Rs.2,50,000/- paid by the petitioner forthwith.

For Petitioner	: Mr.M.R.Jothimanian
For Respondent-1	: Mr.V.Kadhirvelu Special Government Pleader
For Respondent 2 and 3	: Mr.N.Manokaran
For Respondent 4	: Mr.P.Elayarajkumar for M/s.Ramalingam Associates

O R D E R

The Writ Petition is filed seeking for issuance of a Writ of Mandamus to direct the respondents 3 and 4 herein to return the original certificates of the petitioner and also refund the fee of Rs.2,50,000/- paid by the petitioner forthwith.

2. The petitioner's son got admitted in the second respondent College in B.D.S course and paid Rs.2 ½ lakhs as advance amount out of Rs.3 ½ lakhs of course fees. Only when the petitioner visited the said College, he came to know that there are no infrastructural facilities. Therefore, the petitioner wanted refund of the money, as his son is not willing to join the said College. However, the College had refused to return the certificates and also the amount of Rs.2 ½ lakhs paid.

3. Mr.N.Manokaran, learned counsel appearing for the respondents 2 and 3/College states that the student is bound by the prospectus of the College and also the declaration that they have given at the time of admission. It is further contended that the student had attended classes for a few days. Therefore, having accepted the admission granted by the College, he is not entitled for return of either certificates or money. However, the learned counsel fairly accepted that the certificates of the petitioner would be returned within a week.

4. So far as the refund of the fees paid is concerned, as the student had already joined the College and accepted to abide by the prospectus, this Court is not inclined to issue any positive direction and the said question is left open. Therefore, the second respondent College is directed to return the original documents to the petitioner's son, which were submitted at the time of admission, within a period of two weeks from the date of receipt of a copy of this order.

5. With the above direction, the Writ Petition is disposed. No costs.

-s/d-

Assistant Registrar(CS)

True Copy

Sub-Assistant Registrar

srn

To

1. The Director of Medical Education',
Kilpauk, Chennai 600 010.
Chennai 600 010.
2. The Registrar,
Tamil Nadu Dr.M.G.R.Medical University,
No.69, Anna Salai,
Guindy, Chennai 600 032

+2cc to Mr.Ramalingam and Associates, Advocate in sr.no.43001

+1cc to Mr.N.Manokaran , Advocate in sr.no.42943

+1cc to Mr.M.R.Jothimanian , Advocate in sr.no.42417

W.P.No.2595 of 2019

RK (CO)
vum (21/05/2019)



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