



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 02.08.2019

Coram::

The Honourable Dr.Justice G.Jayachandran

W.P.No.22933 of 2019
& W.M.P.No.22576 of 2019

Abirami Anbalagan,
D/o.Anbalagan Veerappan,
No.43, RMO Quarters,
Pulla Avenue, Shenoy Nagar,
Chennai - 600 030.

... Petitioner

/verus/

1. The State of Tamil Nadu,
Rep by its Secretary,
Health and Family Welfare Department,
Fort St.George, Chennai - 600 009.
 2. The Secretary,
Selection Committee,
Directorate of Medical Education,
162, Periyar of E.V.R. High Road, Kilpauk,
Chennai - 600 010.
 3. The Registrar,
The Tamil Nadu Dr.M.G.R.Medical University,
No.69, Anna Salai, Guindy,
Chennai - 600 032.
 4. The Dean,
ESIC Medical College,
Ashok Pillar Road,
K.K.Nagar,
Chennai - 600 078.
 5. Union of India,
Represented by the Secretary of Government,
Ministry of Home Affairs,
North Block,
New Delhi - 110 001.
- ... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue Writ of Mandamus, directing the respondents to admit the Petitioner to the M.B.B.S course in 4th



respondent College, in terms of her selection and allotment made by the 2nd respondent during the 2nd round counselling held on 31.07.2019 to enable her to pursue the entire M.B.B.S course and pass orders.

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For Petitioner : Mr.Giridhar and Sai

For R1 : Mr.S.Suresh Kumar, Government Pleader

For R2 : Mr.Abdul Saleem, Standing Counsel

For R3 : Mrs.P.Rajalakshmi,
Additional Government Pleader

O R D E R

Heard the learned counsel for the petitioner. On notice, the Learned Standing Counsel for the 2nd respondent is also present and made his submissions.

2. A peculiar difficulty has arose to the petitioner herein while seeking admission in the Medical College of Tamil Nadu, since she was born at United State (US) and by birth, she is an United State (US) citizen. Though, her parents are Indian citizens. They have come back to the India, after few years of stay in United State. Thereafter, the petitioner herein has perused her studies throughout in Tamil Nadu. On attaining majority on 30.06.2019 she has made application to the Government of India, for citizenship and the application is pending. Meanwhile, she has been allotted a Medical seat in ESIC Medical College, K.K.Nagar, Chennai. On condition that she has to produce the citizenship certificate by 08.08.2019. Though, the petitioner application has reached the Ministry of Home Affairs, Government of India, it may take sometime for getting the citizenship certificate and it is not possible for her to get citizenship certificate before 08.08.2019. Therefore, the present Writ Petition is filed directing the respondent to admit the petitioner to the M.B.B.S course in the 4th respondent college, in terms of her selection and allotment made by the 2nd respondent during the 2nd round counselling held on 31.07.2019 and to extend the time for production of citizenship certificate.

3. The Learned Standing counsel for the respondent would submit that if the petitioner fails to produce her citizenship document before 08.08.2019, the Medical seat can be allotted, during the 2nd round/mop-up counselling or else if in



any case, the petitioner is unable to get the citizenship certificate, she has to be sent out from the College and her seat will stay vacant throughout and there will be financial loss to the Government.

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4. Clause 15 of the prospectus issued by the Selection Committee, Directorate of Medical Education, Kilpauk, Chennai, contemplates such eventuality and if a candidate discontinues the course on allotment and after completion of the counselling process, she has to pay a sum of Rs.10,00,000/- as discontinuation fees.

5. In this case, taking into consideration of the submissions made by the learned counsel for the petitioner as well as the Learned Counsel for the respondents and as per Clause 15 (Discontinuation Fee) of the prospectus, it is necessary to pass an order to accommodate the petitioner herein in the ESIC Medical College, K.K.Nagar, Chennai provisionally on condition if the petitioner fails to produce the citizenship certificate, within a period of 12 weeks, the Institute will terminate her admission without further notice and on the part of the petitioner, she shall give an undertaking that if the petitioner is unable to produce the citizenship certificate, within a period of 12 weeks, she will get back all her certificates and also compensated the monetary loss of Rs.10,00,000/- as mandated in the clause 15 of the prospectus.

6. With the above observations, the Writ Petition is disposed of. No costs. Consequently, the connected Miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar

bsm

To,

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

2. The Secretary,
Selection Committee,
Directorate of Medical Education,
162, Periyar of E.V.R. High Road,
Kilpauk, Chennai - 600 010.



WEB COPY

3. The Registrar,
The Tamil Nadu Dr.M.G.R.Medical University,
No.69, Anna Salai, Guindy,
Chennai - 600 032.

4. The Dean,
ESIC Medical College,
Ashok Pillar Road,
K.K.Nagar,
Chennai - 600 078.

5. The Secretary of Government,
Union of India,
Ministry of Home Affairs,
North Block,
New Delhi - 110 001.

6. The Government Pleader,
High Court, Madras.

+2cc to Mr. Giridhar & Sai, Advocate, S.R.No. 66454

W.P.No.22933 of 2019
& W.M.P.No.22576 of 2019

BR(CO)
GN(02/08/2019)