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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 29.04.2019

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)Nos.411 to 416 of 2019 and
W.M.P.(MD)Nos.346 to 363 of 2019 and
W.M.P.(MD)Nos.5361 to 5366 of 2019

P.G.Sree Kutty	... Petitioner in W.P.(MD)No.411 of 2019
Veena P.Bhaskaran	... Petitioner in W.P.(MD)No.412 of 2019
Neelima	... Petitioner in W.P.(MD)No.413 of 2019
P.S.Pravin	... Petitioner in W.P.(MD)No.414 of 2019
G.Kaliraj	... Petitioner in W.P.(MD)No.415 of 2019
Raj Mohamed	... Petitioner in W.P.(MD)No.416 of 2019

Vs.

1. State rep. by,
The Secretary to Government,
Higher Education Department,
Fort St. George, Chennai - 9.
2. The Registrar,
Tamil Nadu Dr.M.G.R. Medical University,
No.69, Anna Salai,
Guindy, Chennai - 600 032.
3. The Controller for Examination,
Tamil Nadu Dr.M.G.R.Medical University,
No.69, Anna Salai,
Guindy, Chennai - 600 032.
4. The Principal,
Fathima College of Pharmacy,
103, Main Road, Krishnapuram,
Kadayanallur, Tirunelveli District - 627 759.



5. The Superintendent of Police,
Tirunelveli District.

6. The Inspector of Police,
Kadayanallur Police Station,
Tirunelveli District.

7. The Pharmacy Council of India,
Represented by the Registrar-cum-Secretary,
Combined Council Building, Kotla Road,
Aiwan-E-Ghlib Marg, Post Box No.7020,
New Delhi - 110 002.

8. The Secretary,
Health and Family Welfare Department,
Chennai.

9. Mohideen Basha @ Ravi,
The Correspondent,
Fathima College of Pharmacy,
103, Main Road, Krishnapuram,
Kadayanallur, Tirunelveli District.

10. Kader Mohideen,
The Principal,
Fathima College of Pharmacy,
103, Main Road, Krishnapuram,
Kadayanallur, Tirunelveli District.

11. The Principal,
Arulmighu Kalasalingam College,
of Pharmacy,
Krishnankovil, Virudhunagar District.
(R-5 to R-8 are suo motu impleaded
vide Order dated 13.02.2019)
(R-9 & R-10 are suo motu impleaded
vide Order dated 20.02.2019)
(R-11 is suo motu impleaded
vide Order dated 13.03.2019)

... Respondents

COMMON PRAYER: Writ Petitions are filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing respondents 1 and 2 to take appropriate action against the fourth respondent's illegal activity upon the students based on the petitioners' representations dated 11.07.2018, 14.08.2018 and 05.12.2018 according to law within the stipulated time limit as fixed by this Court.



(in all W.Ps.)

For Petitioners : Mr.A.Prasanna Rajadurai
For R-1, R-5,
R-6 & R-8 : Mr.K.Mu.Muthu,
Additional Government Pleader.
For R-2 & R-3 : Mr.C.Karthick
For R-7 : Mr.M.T.Arunan
For R-9 & R-10 : Mr.T.S.Mohamed Mohideen
For R-4 : No appearance.

* * *

C O M M O N O R D E R

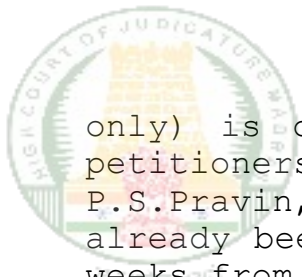
Heard the learned counsel on either side.

2. The petitioners are 6 in number. They joined the Fathima College of Pharmacy to undergo B.Pharm course. They joined in the academic year 2014-2015. It is a four years course. The petitioners were led to believe that the course run by the said college is having recognition and due approval. Unfortunately, it turned to be a false claim.

3. Even before this Court, the college management persisted in their claim that they have run an approved course. But the records speak otherwise. W.P.(MD) No.4932 of 2015 filed by the college management suffered a dismissal vide order dated 20.07.2018. In fact the college management had filed W.A.No.2197 of 2018. Till date no orders have been passed in favour of the college by the Hon'ble Division Bench. The poor students have already lost four valuable years. Now they have to join some other Pharmacy College to redo the course.

4. The learned counsel appearing for the petitioners states that they have approached Sri Venkateswara College of Paramedical Sciences, Erode. But then, they have to once again pay fees to the said college. Their condition is truly pathetic. They do not seem to be from affluent background. Three of them are girl students and they are from Kerala. The management is bound to compensate the Writ petitioners. The maxim Caveat Emptor cannot be applied in the case of admission to education courses. The management had admitted the students without obtaining due recognition and approval. The management is clearly guilty of cheating. It is an offence under Section 420 of I.P.C. In this case, the petitioners stated that they would be satisfied, if the college management refunds the sums already paid by them.

5. Taking note of the facts and circumstances of this case, this Court directs respondents 4, 9 and 10 to pay a sum of Rs.3,00,000/- (Rupees Three Lakhs only) to each of the petitioners in W.P.(MD) Nos.411, 412 and 413 of 2019, namely, Sree Kutty, Veena P.Bhaskaran and Neelima. A sum of Rs.2,00,000/- (Rupees Two Lakhs



only) is directed to be paid by respondents 4, 9 and 10 to the petitioners in W.P.(MD) Nos.414, 415 and 416 of 2019, namely, P.S.Pravin, G.Kaliraj and Raj Mohamed. The college management had already been directed to pay the said amount within a period of two weeks from the date of receipt of a copy of the order.

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6. The petitioners have got back the certificates. Taking note of the special facts and circumstances obtaining in this case, this Court directs the Tamil Nadu Dr. M.G.R. Medical University to facilitate the joining of girl students from the State of Kerala to pursue their B.Pharm course in Sri Venkateswara College of Paramedical Sciences, Erode. Their eligibility certificates and migration certificates are with the University. Since the said three girl students are going to study only in an institution in Tamilnadu, the University is directed to treat the said certificates as sufficient for the purpose of their pursuing the B.Pharm course in Sri Venkateswara College of Paramedical Sciences, Erode.

7. As regards the other three petitioners, the University is directed to permit them to join B.Pharm course in Sri Venkateswara College of Paramedical Sciences, Erode. Even if certain technical impediments come in the way, as and when the petitioners join the said institution and the said institution forwards the registration of the petitioners to the University, the University shall recognize and register the same.

8. In fact the directions on the lines indicated above were issued vide Order dated 10.04.2019. But till date, the college management has not acted in the matter. It is open to the petitioners herein to initiate contempt action against the erring management for non-compliance of the order already passed. This Court has given a direction to the Inspector of Police, Kadayanallur police station, Tirunelveli District, to take action on the criminal complaint lodged by the affected students. A direction is given to the fifth respondent to monitor the investigation and ensure that the final report is filed within a period of four months from the date of receipt of a copy of this order.

9. With these directions, the Writ petitions stand disposed of. No costs. Consequently, connected Miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CO)

/ True Copy /

Sub Assistant Registrar (CS-III)



1. The Secretary to Government,
Higher Education Department,
Fort St. George, Chennai - 9.

2. The Superintendent of Police,
Tirunelveli District.

3. The Inspector of Police,
Kadayanallur Police Station, Tirunelveli District.

4. The Secretary,
Health and Family Welfare Department,
Chennai.

+1 CC to M/s.M.T.ARUNAN, Advocate (SR-63806[F] dated 29/04/2019)

+1 CC to M/s.T.S.MOHAMED MOHIDHEEN, Advocate
(SR-63961[F] dated 29/04/2019)

+1 CC to M/s.A.PRASANNA RAJADURAI, Advocate
(SR-64147[F] dated 30/04/2019)

+1 CC to M/s.C.KARTHIK, Advocate (SR-64551[F] dated 30/04/2019)

+1 CC to M/s.SPL GP (SR-65067[F] dated 02/05/2019)

W.P.(MD)Nos.411 to 416 of 2019 and
W.M.P.(MD)Nos.346 to 363 of 2019 and
W.M.P.(MD)Nos.5361 to 5366 of 2019
29.04.2019

ES/19.06.2019/5P/10C