



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.04.2019

CORAM:

THE HONOURABLE MR.JUSTICE **G.R.SWAMINATHAN**

W.P. (MD) No.9313 of 2019

and

W.M.P (MD) .Nos.7318 and 7319 of 2019

M.Balamurugan

... Petitioner

Vs

1.The Medical Counselling Committee(MCC),
Rep by Director General of Health Services,
Directorate General of Health Services,
Ministry of Health and Family Welfare,
Government of India, Nirman Bhawan,
Maulana Azad Rd, New Delhi,
Delhi 110011.

2.The Director of Medical Education,
Kilpauk, Chennai 600 001.

3.The Dean,
Government Thoothukudi Medical College,
Thoothukudi-8.

4.The Dean,
Tirunelveli Medical College,
Tirunelveli-11.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the respondents to permit the petitioner to join in the M.D.General Medicine Course at Government Thoothukudi Medical College, Thoothukudi-8 without insisting for production of his original educational certificates viz., 1) 12th standard mark sheet 2) M.B.B.S First Year, Second Year, Third Year, Fourth Year Mark Sheets 3) M.B.B.S Degree Certificate 4) C.R.R.I (House Surgeon) Completion Certificate 5) Medical Council Permanent Registration Certificate 6) OBC Certificate 7) Course cum Conduct Certificate 8) Attempt Certificate 9) Transfer Certificate issued by Tirunelveli Medical College in view of the provisional allotment letter dated 11.04.2019 issued by the first respondent or in the alternative to keep the M.D.General Medicine Seat at Government Thoothukudi Medical College, Thoothukudi as vacant till the outcome of the contempt petition in Cont.P.No.369 of 2019 and Writ Appeal in W.A.(MD).No.474 of 2019 pending before this Court.

<https://hcservices.ecourts.gov.in/hcservices/>
For Petitioner
For Respondents

: Mr.T.Lajapathy Roy
: Mr.M.Murugan
Government Advocate

**ORDER**

Heard the learned counsel on either side.

2. The writ petitioner after completing his M.B.B.S course joined M.S.Orthopedics in Tirunelveli Medical College. Thereafter, he abruptly discontinued the course. He wanted his certificates back. But the College was not willing to part with the same. Hence, he filed W.P(MD).No.19595 of 2018. This Court by order dated 07.02.2019 directed the Dean, Tirunelveli Medical College, to return the certificates to the petitioner. The Director of Medical Education had filed Writ Appeal and the order passed by this Court has been stayed. In the meanwhile, the petitioner has been selected for M.D.General Medicine. But then, he has to produce the original certificates for joining the said course. In view of the pendency of the writ appeal, he is unable to comply with the said requirement. Hence, this writ petition has been filed.

3. When the matter was taken up for hearing, this Court posed a question to the petitioner's counsel as to whether the petitioner would be willing to pay the amount that is normally stipulated as a penalty for discontinuing the course. It is normally fixed at Rs.15,00,000/- (Rupees Fifteen Lakhs only) in the case of M.S. (Ortho). The petitioner's counsel stated that the petitioner, who is from a very poor background, would find it very difficult to pay the said amount immediately.

4. Taking note of the special facts obtaining in this case, this Court permits the petitioner to pay the said amount of Rs.15,00,000/- (Rupees Fifteen Lakhs only) in 18 monthly installments. The first installment shall commence on 01.06.2019. If the petitioner fails to pay the said bond amount to the second respondent within the aforesaid period of 18 months, the order now passed would stand recalled and the writ petition itself would be dismissed and the petitioner will have to be rusticated from the course. Since the petitioner has come forward to clear the liability, this Court directs the respondents to permit the writ petitioner to join in the petition mentioned course without insisting on production of the petition mentioned original documents.

5. The Writ Petition stands allowed accordingly. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar

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To மாண்புமிகு

1.The Director General of Health Services,
Medical Counselling Committee(MCC),
Directorate General of Health Services,
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Thoothukudi-8.

4.The Dean,
Tirunelveli Medical College, Tirunelveli-11.

+1 CC to M/s.T.LAJAPATHI ROY, Advocate (SR-61479[F] dated
22/04/2019)

+1 CC to M/s.SPL GP (SR-61600[F] dated 22/04/2019)

W.P. (MD) No. 9313 of 2019

16.04.2019.

DS/ /SAR- (23.04.2019) 3P 7C