



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)

Friday, the Twenty Sixth day of July Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Dr Justice VINEET KOTHARI
and
The Hon`ble Mr.Justice S.M.SUBRAMANIAM

CMP(MD) No.3276 of 2019
IN
WA(MD) No.371 of 2019

1 THE DIRECTOR OF MEDICAL EDUCATION,
KILPAUK, CHENNAI-600 009.

2 THE DEAN,
MADURAI MEDICAL COLLEGE,
MADURAI.

... PETITIONERS/APPELLANTS

Vs

M.AARTHY

... RESPONDENT/RESPONDENT

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to STAY operation of the impugned order dated 30.07.2018 made in W.P.(MD)No.7930 of 2017 on the file of this Honourable Court and all further proceedings pursuant thereto, pending disposal of the above Writ Appeal.

Prayer in WP(MD).7930/2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of Certiorarified Mandamus to call for the records pertaining to the Impugned Order in Na.Ka.No.3228/M.K.4/2017 dated 17.04.2017 on the file of the Respondent No.2 and quash the same as illegal and consequently for a direction, directing the Respondent Nos.1 and 2 relieve the Petitioner and return her original educational certificates such as 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. Decree Certificate, 4)C.R.R.I(House Surgeon) Completion Certificate, 5)Medical Council permanent Registration Certificate 6)Community Certificate 7)Course cum conduct certificate issued by Kanyakumari Government Medical College within a stipulated time.

<https://hcservices.ecourts.gov.in/hcservices/>
ORDER : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.S.SRIMATHY, Special Government Pleader for the



petitioners and of MR.T.LAJAPATHIROY, Advocate on behalf of the Respondent, the court made the following order:-

Heard Mrs.S.Srimathy, learned Special Government Pleader appearing for the appellants and Mr.T.Lajapathi Roy, learned counsel for the respondent.

2.The learned Single Judge, in the order impugned before us, directed to release all the certificates in favour of the respondent / writ petitioner / student, without insisting upon the condition of payment of Rs.10,00,000/- as stipulated in the order dated 17.04.2017 passed by the Dean of the College, which has been quashed by the learned Single Judge.

3. The learned Special Government Pleader submits that a bond was executed by the student at the time of admission, undertaking to pay compensation in case of the student leaving the course in the midterm.

4. The question is whether the bond or agreement for payment of such compensation for return of documents or certificates is a validly enforceable document or not?. The Court will consider the said question further. The learned Government counsel may produce document or agreement or bond signed by the respondent / student in the present case along with the affidavit of the responsible Officer within a period of two weeks from today.

5. By way of interim order, we direct that the respondent / Ms.M.Arthy to deposit a sum of Rs.5,00,000/- (Rupees five lakhs only) with the appellant No.2, Dean, Madurai Medical College, Madurai, within a period of eight weeks from today and upon such deposit of the amount of Rs.5,00,000/-, the certificates in question requested by the respondent may be released to her upon undertaking that in case the present appeal of the Medical Education Department is allowed, the respondent / student will deposit the balance amount also. The aforesaid deposit of Rs.5 lakhs shall bind by the final orders to be passed in the present appeal.

6. This application is disposed of accordingly.

sd/-
26/07/2019

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

1 THE DIRECTOR OF MEDICAL EDUCATION,
KILPAUK, CHENNAI-600 009.

2 THE DEAN,
MADURAI MEDICAL COLLEGE,
MADURAI.

+1. C.C. to M/S.SPL GOVT PLEADER Advocate SR.No.12405

+1. CC TO Mr.T.LAJAPATHIROY, ADVOCATE IN SR No.12560

ORDER

IN

CMP (MD) No.3276 of 2019

IN

WA (MD) No.371 of 2019

Date :26/07/2019

GCG

PK/JC/SAR-2/02.08.2019 : 3P/5C