

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.07.2020

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.8619 of 2020
and WMP.Nos.10429 to 10431 of 2020

Dr. P. Vignesh Shivaraman,
S/o. S. Perumal,
No.1, Rajesh Avenue,
Saligramam,
Chennai - 600 093.

...Petitioner

Vs.

1. Union of India,
Rep. by its Secretary, Ministry of Human Resource Development,
"Shastri Bhawan",
New Delhi - 110 001.
2. Union of India,
Rep. by its Secretary, Ministry of Health and Family Welfare,
Nirman Bhavan, New Delhi - 110 011.
3. Directorate General of Health Services,
Ministry of Health & Family Welfare, Government of India,
Rep. by its Additional Director General of Medical Education,
Nirman Bhawan, Central Secretariat,
New Delhi - 110 001.
4. Medical Council of India,
MCI Building,
Pocket - 14, Sector - 8, Dwarka Phase - I,
New Delhi - 110 077.
5. Chettinad Hospital and Research Institute,
Rep. by its Registrar,
'Chettinad Health City'
SH 49A, Kelambakkam,
Tamil Nadu - 603 103.

...Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, seeking Writ of Mandamus directing the third and fifth respondents to confirm the admission of the petitioner in the MD Dermatology Course in the fifth respondent college through

physical verification, pursuant to the NEET PG counselling results dated 10.04.2020, and permit him to join duty/class without insisting on immediate payment of the second instalment of fees to be paid by the petitioner and further fix a reasonable time for payment of fees by the petitioner in line with the directives of the third respondent.

For Petitioner : Mr.R. Parthasarathy

For Respondents : Mr.C.V. Ramachandramurthy
Standing Counsel [R1 to R3]

Mr.D. Pandarinath [R5]

O R D E R

This writ petition has been filed for the issue of writ of mandamus directing the respondents to confirm the admission of the petitioner in MD-Dermatology course in the fifth respondent college.

2. When the matter came up for admission, this Court passed an order on 30.06.2020 and the same is extracted hereunder:

"Mr.C.V. Ramachandra Murthy, learned Standing counsel, takes notice for respondents 1 to 3, Mr.V.P.Raman, learned Standing Counsel takes notice for the fourth respondent.

2. According to the petitioner, on completion of MBBS degree in medicine, he appeared in NEET PG examination, as per the results of which, he was allotted seat in M.D. (Dermatology) course in fifth respondent. After completion of online verification, he duly paid the first instalment towards course fee. However, on account of the epidemic situation of COVID-19, the petitioner is facing difficulty in paying the second instalment as his sponsor is at Qatar, though he is willing to remit the same. Hence, the fifth respondent refused to confirm the admission to the petitioner, due to non-payment of entire course fee.

3. Reiteration the averments made in the affidavit filed in support of this writ petition, the learned counsel for the petitioner submitted that in an identical case filed by one of the students in W.P.No.7586 of 2020, this Court has directed the fifth respondent College to confirm the petitioner's admission and granted time for remittance of balance fee.

Hence, he sought indulgence of this Court by extending the same benefit to the petitioner herein.

4. Having regard to the facts that the first instalment fee of USD 1,68,750 equivalent to Indian Rs.1,28,00,000/- was remitted by the petitioner, which has also been affirmed by the learned Standing Counsel appearing for the respondents 1 to 4 and the second instalment fee is payable only upon commencement of the course and also considering the submission made by the learned counsel for the petitioner, this Court is of the view that there is no reasonable ground on the part of the fifth respondent to deny confirmation of the admission granted to the petitioner.

5. In such view of the matter, without prejudice to the right of the fifth respondent/college, they shall confirm the admission to the petitioner and proceed further enabling the petitioner to commence the M.D. (Dermatology) Course.

6. Notice to the fifth respondent returnable in four weeks. Private notice is also permitted. AOS to be filed by then. List the case after four weeks."

3. Mr.R. Parthasarathy, learned counsel appearing on behalf of the petitioner submitted that the petitioner had paid the first instalment fee of USD 1,68,750. The petitioner has made a the further payment of USD 26,000 and the petitioner will have to pay the balance amount of USD 30,250. The learned counsel brought to the notice of this Court the fact that the fifth respondent was specifically directed to confirm the admission of the petitioner to enable the petitioner to join the course. The learned counsel submitted that the course started during the beginning of this month and the petitioner was not allowed to join the course by the fifth respondent on the ground that the entire payment has not been made by the petitioner. The learned counsel specifically relied upon the advisory that was issued by the Government of India on 13.04.2020 wherein, the Government of India had directed all the colleges to take an undertaking from the candidates with regard to the payment of remaining fees and allow them to join the course. The learned counsel concluded his arguments by submitting that the balance amount of USD 30,250 will be paid by the petitioner to the fifth respondent college on or before 15.08.2020.

4. Mr.Pandarinath, learned counsel appearing on behalf of the fifth respondent submitted that the petitioner must given an

undertaking that the entire fees will be paid within the time stipulated by this Court. The learned counsel further submitted that the fifth respondent college will comply with the directions given by this Court and the petitioner can join the course subject to the undertaking.

5. Heard the learned counsel appearing on behalf of the other respondents.

6. There is not much of controversy on the facts of the present case. This Court has already dealt with the difficulty that was faced by the petitioner in paying the entire fees due to the pandemic conditions. The fact remains that a balance amount of USD 30,250 has to be remitted by the petitioner to the fifth respondent college. The petitioner has undertaken to remit this amount on or before 15.08.2020. The said undertaking is recorded.

7. This writ petition is disposed of with a direction to the fifth respondent college to permit the petitioner to join the classes that has commenced for MD-Dermatology course. The petitioner should abide by the undertaking and pay the balance fees of USD 30,250 on or before 15.08.2020 to the fifth respondent college. Even though the earlier order passed by this Court on 30.06.2020 made it clear that the fifth respondent will confirm the admission and enable the petitioner to commence the course, for reasons not known, the petitioner was not allowed to join the classes. This obviously cannot be put against the petitioner while calculating the attendance requirement at the time of examination. In the event, the petitioner does not comply with the undertaking, it is left open to the counsel for the fifth respondent to bring it to the notice of this Court.

This writ petition is disposed of with the above direction.

Sd/-

सत्यमेव जयते
Assistant Registrar(CS I)

//True Copy//

Sub Assistant Registrar

mp/vkr

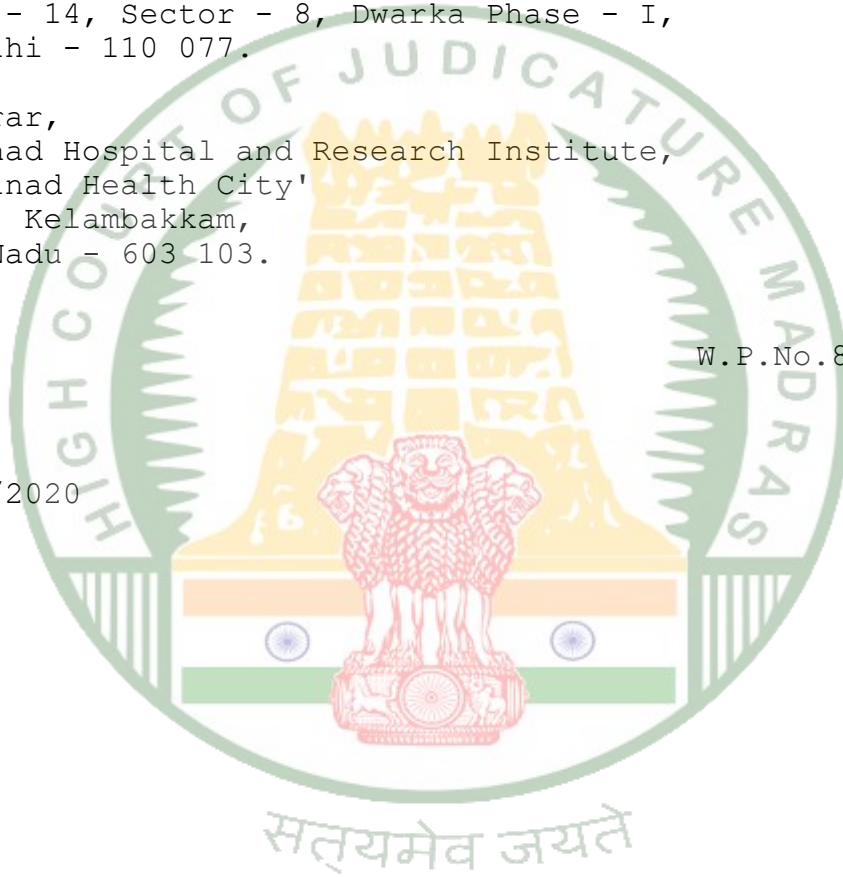
To

1. The Secretary,
Ministry of Human Resource Development,
"Shastri Bhawan", New Delhi - 110 001.

2. The Secretary,
Ministry of Health and Family Welfare,
Nirman Bhavan, New Delhi - 110 011.
3. Additional Director General of Medical Education,
Directorate General of Health Services,
Ministry of Health & Family Welfare, Government of India,
Nirman Bhawan, Central Secretariat,
New Delhi - 110 001.
4. Medical Council of India,
MCI Building,
Pocket - 14, Sector - 8, Dwarka Phase - I,
New Delhi - 110 077.
5. Registrar,
Chettinad Hospital and Research Institute,
'Chettinad Health City'
SH 49A, Kelambakkam,
Tamil Nadu - 603 103.

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KKV/14/08/2020



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