



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.08.2020

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THE HONOURABLE MR.JUSTICE **D.KRISHNAKUMAR**

W.P.(MD) No. 19102 of 2018

and

W.M.P.(MD) No.16957 of 2018

R.Loverin Priyanga

...Petitioner

Vs.

1.The Director of Medical Education,
Selection Committee Directorate of Medical Education,
162, E.V.R. Periyar Shyroad,
Keelpakkam, Chennai -10.

2.The District Collector,
Thoothukudi District,
Thoothukudi.

3.The College Principal,
Madurai Best Medical College,
Madurai.

...Respondents

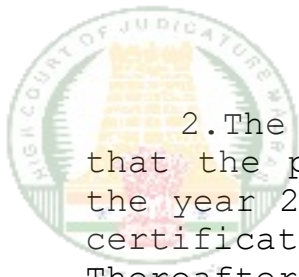
PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the third respondent to give admission in the course of "Oral Pathology" at Madurai Best Medical College, Madurai, in the academic year 2018-2019 as per the allotment order dated 25.05.2018 passed by the first respondent.

For Petitioner	: Mr.A.Sankara Ramasubramanian
For R1 & R2	: Mr.N.Shanmugaselvam Additional Government Pleader

For R3	: No Appearance
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ORDER

This Writ Petition is filed seeking for a direction, to direct the third respondent to give admission in the course of "Oral Pathology" at Madurai Best Medical College, Madurai, in the academic year 2018-2019 as per the allotment order dated 25.05.2018 passed by the first respondent.



2.The learned counsel appearing for the petitioner submitted that the petitioner had completed the BDS Course (For Dental) in the year 2018. As per Dentist Act, 1948, the petitioner was issued certificate vide registration No.25265, dated 07.05.2018. Thereafter, the petitioner applied for the course of 'Oral Pathology', for which, he made an application to the first respondent. The first respondent has allotted the said course to the petitioner by allotment order dated 24.05.2018 reporting to appear before the third respondent/College on 25.05.2018. Pursuant to the same, he also paid the initial amount for admission to the third respondent college for a sum of Rs.30,000/- , on 23.05.2018.

3. The learned counsel for the petitioner further submitted that due to invoking Section 144 of Cr.P.C in Tuticorin District, he could not able to report before the third respondent/College on 25.05.2018. On the next day i.e.,26.05.2018, the petitioner reported before the third respondent along with the allotment order of the first respondent and willing to pay a sum of Rs.2,50,000/- for admission fees fixed by the norms of the first respondent. But, the third respondent has not accepted the petitioner's admission. On contrary, the third respondent has demanded a sum of Rs.2,00,000/- for admission. In this regard, several representations were made by the petitioner. So far no steps has been taken. Hence the petitioner filed this Writ Petition.

4. The learned Additional Government Pleader appearing for the respondents filed a counter-affidavit, wherein it has been stated that the list of joined and non joined candidates were received from the third respondent college on 25.05.2018 at about 05.00.pm. As per the list, seven candidates were joined till 25.05.2018 and other two candidates (including the petitioner) were not joined in the third respondent College. Further, in the third respondent College, two not joined seats have been shown at the time of final phase counseling conducted on 29.05.2018 and those seats were filled by meritorious candidates on the same day through selection committee.

5. Heard the learned counsel on either side and also perused the materials placed on records.

6. This Court is of the view that even though the first respondent has allotted the said course to the petitioner by allotment order dated 24.05.2018, for academic year 2018-2019. Due to the aforesaid circumstances, the petitioner was not in a position to join the Course on 25.05.2018. Now the academic year 2018-2019 is over, hence, the relief sought for by the petitioner cannot be granted by this Court. Insofar as the admission fees of Rs.30,000/- paid by the petitioner is concerned, it is for him to



approach the concerned authorities to refund the said amount.

7. This Writ Petition is dismissed accordingly. No costs. Consequently, connected miscellaneous petition is closed.

WEB COPY

Sd/-

Assistant Registrar(AD-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

das

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

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