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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.09.2021

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.NO.15599 OF 2021

M.G.Vasanth

... Petitioner

-Vs-

1. SRM Medical College Hospital & Research Centre
Represented by its dean
SRM University
(Deemed University u/s.3 of UGC Act)
SRM Nagar, Potheri
Kattankulathur 603 203
Kancheepuram District.
2. SRM Institute of Science and Technology
(Deemed to be University u/s.3 of UGC Act, 1956)
Rep.by its Registrar
SRM Nagar, Potheri
Kattankulathur 603 203
Kanchipuram District.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to direct the Respondents to consider the petitioner's representation dated 06.05.2021 and permit the petitioner to withdraw from the MBBS Course and return the original educational certificates and all other documents, which were deposited by the petitioner at the time of joining the MBBS course along with the transfer certificate without insisting on the payment of Rs.90,00,000/- towards the tuition fees for the remaining period of the MBBS course so as to enable the petitioner to study any other course of his choice, within a stipulated time frame.



For Petitioner : Mr.K.R.Samratt

For Respondents : Dr.V.Venkatesan

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O R D E R

This writ petition has been filed for the issue of a writ of mandamus directing the respondents to permit the petitioner to discontinue the MBBS course and to return back all the original certificates.

2.When the matter came up for hearing on 08.09.2021, this Court passed the following order:

"The petitioner, who secured 89% in the Higher Secondary (+2) in a School, which was affiliated to CBSE and had subsequently also cleared the NEET Examination and during counseling was allotted, the respondent college to undergo MBBS course, has approached this court on the ground that he is not able to continue with the course as he is finding it very difficult and therefore wants the respondents to give back all the certificates. The respondents have filed a counter affidavit and they have fairly stated at paragraph 11 of the counter affidavit that they are willing to help the petitioner and if required to send him for a counselling so that the petitioner undergoes the course and comes out as a doctor.

2.For the present, this court does not want to go into the entitlement of the petitioner to get back his certificates. This court strongly feels that the petitioner who had a reasonably good academic carrier, is having some mental block and that is the reason why he is taking such a hasty decision to discontinue the MBBS course. It is possible to give counseling to the petitioner and convince him that he is losing a great opportunity to become a doctor and serve the society. The petitioner must understand that there are many who aspire to become doctors and very few get



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earlier orders were passed by this Court. Along with the report, typed set of papers was also filed by the learned counsel for the respondents, wherein this court was able to go through the report of the clinical psychiatrist, letter given by the petitioner and the report of the Dean of the respondent University.

5.This court wants to place on record its appreciation for the efforts taken by the respondent University, to counsel the student and to convince him regarding the importance of continuing with the MBBS course. Ultimately, this is the purpose for which an Educational Institution must strive for. The efforts taken by the respondents will pave way for the petitioner to come out as a doctor on the completion of the course and provide his service to the society. Ultimately, the efforts taken by this court have yielded fruits and a hasty decision that was about to be taken by the petitioner was stopped and the petitioner is now convinced that he will go ahead with the course and complete the same.

6.This court will be failing in its duty if it does not acknowledge the efforts taken by the learned counsel appearing on either side who have spoken with their clients and ensured that the future of the petitioner was saved. The whole purpose of this noble profession is to render such assistance and bring a change in the life of the litigant, who approaches an advocate. There cannot be more satisfaction to the counsel appearing on either side than what has ultimately been achieved in this case due to their persuasion.

7.In view of the above, there shall be a direction to the respondents to permit the petitioner to continue the course along with the next batch of students during the academic year 2022-2023. This court also expects the respondents to adjust the fees that was paid for the academic year 2021-2022, towards the fees that is payable for the academic year 2022-2023.

8.In fine, this writ petition is disposed of with a lot of satisfaction. As a word of caution, it is made clear that this case cannot be cited as a precedent for future cases as the aforesaid relief has been granted taking into consideration the peculiar facts in the present case.



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9. Accordingly, this writ petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS-IX)

// True Copy //

Sub Assistant Registrar

KP

To

1. The Dean,
SRM Medical College Hospital & Research Centre
SRM University
(Deemed University u/s.3 of UGC Act)
SRM Nagar, Potheri
Kattankulathur 603 203
Kancheepuram District.
2. The Registrar,
SRM Institute of Science and Technology
(Deemed to be University u/s.3 of UGC Act, 1956)
SRM Nagar, Potheri
Kattankulathur 603 203
Kanchipuram District.

+1cc to Mr.K.R.Samratt, Advocate, S.R.No.48762

+1cc to Dr.V.Venkatesan, Advocate, S.R.No.48404

W.P.No.15599 of 2021

NMI(CO)
RLP(13/10/2021)