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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.11.2021

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P.No.24658 of 2021

P.Balavaishnavi

... Petitioner

vs.

1. The Chairman,
Madha Nursing College,
Matha Nagar, Somangalam,
Kundrathur,
Chennai 600 009.
2. The Principal,
Madha Nursing College,
Madha Nagar,
Somangalam Road,
Kundrathur - 600 069.
3. The Secretary,
Health and Family Welfare,
Fort St. George,
Secretariat, Chennai.
4. The Director of Medical Education,
Office of the Directorate of Medical Education,
Kilpauk, Chennai 600 010.
5. The Registrar,
Dr. M.G.R. University,
Anna Salai, Guindy,
Chennai 600 032.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the Respondents 1 and 2 to dispose of the Petitioner's representation dated 21.10.2021 by returning the Original Certificates (a) 10th Marksheet (b) 12th Marksheet (c) Transfer Certificate (d) Community Certificate and further direct them to refund Rs.15,000/- deposited by the Petitioner on 17.03.2021.



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For Petitioner : Mr.P.Ponbalaji
For Respondents 1 & 2 : Mrs.Rita Chandrasekar
For Respondents 3 & 4 : Mr.U.Baranidharan,
Additional Govt. Pleader
For 5th Respondent : Mr.D.Ravichander

O R D E R

Petitioner has come up with this Writ Petition seeking a direction to Respondents 1 and 2 to dispose of her representation dated 21.10.2021 by returning the Original Certificates (a) 10th Mark Sheet (b) 12th Mark Sheet (c) Transfer Certificate (d) Community Certificate and further direct them to refund Rs.15,000/- deposited by her on 17.03.2021.

2. According to the Petitioner, she completed 12th Standard in the academic year 2019-2020 and attended NEET exam and secured 137.50 marks with General Rank No.11263. Thereafter, she attended Counselling and was allotted seat in the 1st Respondent/College for Physiotherapy course under OC category and paid Rs.15,000/- to the College. Due to family circumstances, the Petitioner could not remit the balance amount and hence, she had to opt out of the College. When the Petitioner sought permission of the College Authorities for return of the original Certificates of 10th Mark Sheet, 12th Mark Sheet, Transfer Certificate and Community Certificate, she was informed by the 2nd Respondent that, she should remit Rs.3,50,000/- to the College Authorities to enable them return the same.

3. Learned counsel for the Petitioner submitted that, a direction may be issued to the 1st and 2nd Respondents to return the Petitioner's original Certificates to her, without insisting her to remit the balance amount. He further submitted that, the Petitioner is not insisting on refund of the initial fee of Rs.15,000/- paid to the College Authorities.

4. Mrs.Rita Chandrasekar, learned counsel appearing for the 1st and 2nd Respondents strenuously contended that, as the Petitioner opted out of the College, one seat has fallen vacant, due to which, there is monetary loss to the College.

5. Learned Government Advocate appearing for Respondents 3 and 4 submitted that, the Petitioner has not sought any relief from the 3rd and 4th Respondents. However, he submitted that, the Court may issue a direction to the 1st and 2nd Respondents to return the original Certificates to the Petitioner.

6. Taking note of the submissions of the learned counsel



on either side and considering the facts and circumstances of the case, this Court directs the 1st and 2nd Respondents herein to return the Petitioner's original Certificates viz. (a) 10th Mark Sheet (b) 12th Mark Sheet (c) Transfer Certificate and (d) Community Certificate to her, which were collected from her at the time of admission, immediately, on receipt of a copy of this order, without insisting on payment of the remaining fee. It is made clear that, the initial fee of Rs.15,000/- paid by the Petitioner to the College Authorities need not be refunded to her.

The Writ Petition is disposed of accordingly. No costs. Consequently, connected W.M.P.No.25950 of 2021 is closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

(aeb)

To:

1. The Chairman,
Madha Nursing College,
Matha Nagar, Somangalam,
Kundrathur, Chennai 600 009.
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Office of the Directorate of Medical Education,
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5. The Registrar,
Dr. M.G.R. University,
Anna Salai, Guindy, Chennai 600 032.

+3ccs to Mr.P.Ponbalaji, Advocate Sr No.59538

W.P.No.24658 of 2021

MG (CO)
PR (19/11/2021)