



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.07.2021

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD) .No.7835 of 2021

Simrita

... Petitioner

Vs.

1. The Secretary to Government,
Health and Family Welfare Department,
Secretariat, St.George Fort, Chennai-600 009.

2. Dr.M.G.R.University,
Represented by the Registrar, Chennai.

3. The Dean,
Karpagam Medical College Hospital,
Ottakalmandapam, Coimbatore-32.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, for the issuance of Writ of Mandamus, directing the respondents herein to return the original certificate produced at the time of admission relating to the petitioner (A.R.No.56186).

For Petitioner	: Mr.G.Karnan
For R-1	: Mr.R.Suresh Kumar, Government Advocate
For R-2	: Mr.S.Ramesh
For R-3	: Mr.K.Ragatheeshkumar for Isaac Chambers

ORDER

This Writ Petition has been filed for the issue of a Writ of Mandamus directing the third respondent to return the original certificates that were produced by the petitioner at the time of her admission to the MBBS course.

2. The case of the petitioner is that she participated in the counselling conducted by the second respondent in the year 2018 and she was allowed to join the MBBS course in the third respondent College. The petitioner claims that she has paid a sum of Rs.27,40,650/- (Rupees Twenty Seven Lakhs Forty Thousand Six Hundred and Fifty only) during various periods upto 2019.



3. It is stated that the petitioner met with an accident and sustained grievous injuries and therefore, she was admitted in a Hospital at Coimbatore and she was discharged after treatment only on 18.05.2019. Since the petitioner was forced to spend a huge amount of money towards treatment, the petitioner found it impossible to continue with the course in the third respondent College and she could not afford to pay the fees. The petitioner thereafter made a representation on 25.01.2021 to the third respondent College requesting for the return of the original certificates. Since the same was not considered, the present Writ Petition has been filed before this Court seeking for appropriate directions.

4. Heard Mr.G.Karnan, learned counsel appearing for the petitioner, Mr.R.Suresh Kumar, learned Government Advocate appearing for the first respondent, Mr.S.Ramesh, learned counsel appearing for the second respondent and Mr.K.Ragatheeshkumar for Isaac Chambers, learned counsel appearing for the third respondent.

5. The third respondent has filed a counter in this case and this Court perused the counter.

6. It is brought to the notice of this Court that the mother of the petitioner died very recently and she is not taken care by her father and she is only taken care by her grandfather as a guardian. Taking into consideration the peculiar facts and circumstances of the case and the pathetic situation in which the petitioner is placed, this Court is inclined to direct the third respondent to return back all the original certificates that were handed over by the petitioner at the time of admission. It is made clear that this order shall not be cited as precedent in any other case and the direction was issued by this Court only considering the peculiar facts of this case.

7. This Writ Petition stands disposed of with the above directions. No costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Tsg

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

The Secretary to Government,
Health and Family Welfare Department,
Secretariat, St.George Fort, Chennai-600 009.

WEB COPY

+1 CC to M/s.G.KARNAN, Advocate (SR-21134[F] dated 05/07/2021)

+1 CC to M/s.ISAAC CHAMBERS, Advocate (SR-21290[F] dated 06/07/2021)

+1 CC to M/s.SPL GP (SR-21328[F] dated 06/07/2021)

Order made in

W.P. (MD) .No.7835 of 2021
05.07.2021

KB(12.07.2021) 3P 5C