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W.P. No.7066 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.03.2023

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P. No.7066 of 2023

P. Nandhini

... Petitioner

vs.

1. State of Tamil Nadu,
Rep. by its Principal Secretary,
Health and Family Department,
Secretariat,
St. George Fort,
Chennai - 600 009.

2. Directorate of Medical Education,
156, Poonamallee High Road,
New Nagar,
Chetpet,
Chennai - 600 031.

3. The Tamil Nadu Dr. M.G.R. Medical University,
Post Bag No.1200,
No.69, (Old No.40),
Anna Salai,
Guindy,
Chennai - 600 032.

4. KMCH College of Pharmacy represented by its Principal,
Kovai Estate,
Kalapatti Road,
Coimbatore - 641 048

..

Respondents



W.P. No.7066 of 2023

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to issue direction against the respondent No.4 herein, being the rightful authority to return the original certificates namely, 1. 12th School Marksheet (Original), 2. 12th T.C. (Original), 3. Community certificate (Original), 4. Course Cum Conduct Certificate, 5. 5th year marksheet (Original), 6. 6th year internship completion certificate (original), 7. Conduct Certificate (Original), 8. Provisional Certificate (Original), 9. Course Completion & Internship certificate (in KMCH Letter Head) (Original) and consequently pay appropriate compensation for retaining the said documents illegally and preventing me from going to any job.

For Petitioner : Ms. S. Akila

For Respondents : Mr. Alagu Gowtham,
Government Advocate for R1 & R2
Mr. Imayavarman
for M/s. Ramalingam Associates for R3
Mr. Abhishek Jenasen for R4

ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the 4th respondent to return the original certificates of the petitioner.

2. The case of the petitioner is that she pursued Pharm. D (Doctor of Pharmacy) with the 4th respondent Institution for the Academic year 2014-15. The duration of the said course is 6 years i.e. 5 years regular academic



W.P. No.7066 of 2023

curriculum (Phase – I) + 1 year compulsory Internship Training (Phase – II).

It is stated that due to her health issues, she was not able to clear certain papers during October 2015 and 2016 and she completed and cleared all the papers subsequently. It is further stated that after completion of Phase I, it is mandatory to attend internship for one year. It is her grievance that minimum attendance required for the said internship programme is 270 days, whereas she attended 291 days till 21.10.2021. It is also stated that to tarnish her character, the 4th respondent has made false and baseless allegations against the petitioner, thereby informing that she demanded them to relieve her from internship and also threatened the HOD/Principal. Thereafter she sent a reply to the 4th respondent and requested for issuance of course completion certificate along with original documents submitted by her at the time of joining the said course, which has not evoked any response till date, which prompted filing the present writ petition.

3. Learned counsel for the petitioner submits that even though due to petitioner's ill health, she was unable to appear for certain examinations, initially, but completed the Phase I examination subsequently. Further, she drew the attention of this Court to the Interns Daily Activity Register and submitted that the petitioner has attended the internship programme from



W.P. No.7066 of 2023

15.10.2020 to 21.10.2021, though the attendance required is only 270 days

and if Sundays are accounted, then it exceeds 340 days. But, without considering the same, the respondents are insisting the petitioner to do internship programme for further 29 days and hence, on the said ground, they are not returning the original documents as well as course completion certificate belongs to the petitioner. Hence, it would suffice, if this Court directs the 4th respondent to return the afore said documents, within a time frame to be fixed by this Court.

4. Reiterating the counter affidavit filed by the 4th respondent. Mr. Abhishek Jenasanen, learned counsel vehemently opposes the contentions of the petitioner and submitted that the petitioner has passed and completed her Phase I examination, only on 16.06.2021, whereas she commenced her internship training from 15.10.2020. Further, he submitted that Pharm. D. Regulations 2008 mandates all the students of Pharm. D to undergo twelve months internship. More so, on satisfactory completion of performance by the students, the documents can be forwarded to the University / 3rd respondent for further process, otherwise, the intern will be directed to continue the internship, which can be clearly evidenced from the guidelines of Pharm. D. course. Such being the lackness on the part of the



W.P. No.7066 of 2023

petitioner, the 4th respondent has refused to return the documents of the petitioner. Hence, he prays for mere dismissal of this writ petition.

5. Heard the learned counsel on both sides and perused the materials placed on record.

6. Admittedly, the petitioner, joined and completed Pharm. D course -Phase I examination. It is not in dispute that she commenced her internship programme, i.e. Phase II. The issue herein involved is that there was shortage of 29 days attendance for completing internship programme by the petitioner. Further, it is evident from the submissions of the learned counsel for the 4th respondent that while calculating the duration of the Phase II internship programmes, attendance on Sundays have to be excluded, but it is to be noted that due to some unavoidable health issues, the petitioner was unable to satisfy the requisite attendance, more so, she attended internship programme on Sundays. In such scenario, considering the future life of a student, this Court is of the view that the 4th respondent can show some generous mindness on the petitioner with regard to shortfall of attendance.

7. In view of the above, this Court inclined to issue direction to the 4th respondent to consider the case of the petitioner and shall return the original



W.P. No.7066 of 2023

documents belongs to her and the necessary certificate, within a period of two weeks from the date of receipt of a copy of this order.

8. With the aforesaid directions, this writ petition is disposed of. No costs.

27.03.2023

vsi2

Index: Yes/ No

Speaking order / Non speaking order

Neutral citation : Yes / No

To

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Chennai - 600 009.

2. The Directorate of Medical Education,
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