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W.P. No.8605 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.04.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P. No.8605 of 2023

Santhosh Srinivas. C

... Petitioner

Vs

1. State of Tamil Nadu,
Rep. by its Principal Secretary to Government,
Health and Family Welfare Department
Fort. St. George,
Chennai – 600 009.

2. Directorate of Medical Education,
No.162, Kilpauk,
Chennai – 600 010.

3. PSG Institute of Medical Sciences & Research,
Peelamedu,
Coimbatore – 641 004.

4. National Medical Commission,
Pocket – 14,
Sector – 8,
Dwarka Phase -1,
New Delhi – 110 077.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India to
issue a Writ of Mandamus, directing the 2nd & 3rd respondent to relieve the



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petitioner from M.D. Pharmacology course and to return his original certificates submitted to the respondents at the time of admission without insisting on payment of the Discontinuance Fees as mentioned in Clause 22(c) of the Prospectus.

For Petitioner	: Ms. Kavitha Rameshwar
For Respondents	: Mr.K.M.D. Muhilan
	Addl. Govt. Pleader for R1 & R2
	M/s.Abishek Jenansenan for R3
	Ms.Subharanjani Ananth for R4

ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the 2nd & 3rd respondents to relieve the petitioner from M.D. Pharmacology course and to return his original certificates submitted to the respondents at the time of admission without insisting on payment of the Discontinuance Fees as mentioned in Clause 22(c) of the Prospectus.

2. It is the case of the petitioner that he got admission for M.D. Pharmacology, P.G. Degree course in the 3rd respondent College and thereby paid the fees of Rs.4,53,840/-. It is averred that he also paid Rs.2,00,000/- to the 2nd respondent as per Clause 22(b)(i) of the prospectus and subsequently pursued his studies from 07.05.2022 to 30.11.2022. Later, due to OCD problem, he is unable to continue his studies. In such



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circumstances, he submitted his representation for discontinuation of the said course with a request to return his original certificates without insisting on payment of the Discontinuance Fees as mentioned in Clause 22(c) of the Prospectus.

3. Learned counsel for the petitioner submitted that though the petitioner got admission in the 3rd respondent College to study for M.D. Pharmacology, he was unable to pursue the said course, due to OCD problem and on humanitarian grounds, he may be exempted from paying the penalty as per Clause 22 (c) of the Prospectus. Hence, it would suffice, if this Court issue appropriate directions in the above regard to the 2nd and 3rd respondents as well as to direct them to return the original certificates to the petitioner.

4. Per contra, learned Additional Government Pleader appearing for the respondents 1 and 2, that as per Clause 22(c) of the Prospectus, unless the penalty amount of Rs.15,00,000/- is paid by the petitioner, he would not be relieved and the original certificates would be retained by the 3rd respondent. Reiterating paragraph No.8 of the counter affidavit, he further submitted that as per norms, the said course has to be completed within six



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years i.e., double the duration of course period as the duration period is of three years, the petitioner can complete the course after recovering from the aforesaid illness in six years time. Hence, he prays for dismissal of this writ petition.

5. Conceding with the submissions of the learned Additional Government Pleader appearing for the 1st and 2nd respondents, learned counsel for the 3rd respondent has submitted his serious objection for returning the original certificates of the petitioner and thus, the prayer sought for in this writ petition is not maintainable and on that ground, this Court may dismiss the writ petition.

6. Heard the learned counsel on either side and perused the materials available on record.

7. Admittedly, the petitioner joined M.D. Pharmacology degree course with the 3rd respondent College and attended classes nearly for a period of six months. It is seen from the records that he is suffering from Obsessive Compulsive Disorder (OCD) and taking treatment at NIMHANS, Bangalore and in that scenario, he intended to discontinue the said course.



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8. Further, a perusal of relevant Clause in the Prospectus reveals that generally, the candidates admitted under Management Quota /NRI, who discontinue the course on or after the second round of counselling shall pay the discontinuation fees to the Dean of the respective College and the said fee would cost to Rs.15,00,000/- and on compliance of the said payment, the candidate would be relieved and their original certificates would be returned to them by the concerned institutions. However, considering the illhealth of the petitioner, the respondents can offer an exemption from the said Clause to the petitioner on a humanitarian basis.

9. In view of the above, this Court directs the 2nd and 3rd respondents to return the original certificates to the petitioner, without insisting on payment of the Discontinuation Fees as mentioned in Clause 22(c) of the Prospectus, within a period of three weeks from the date of receipt of a copy of this order, subject to condition that the petitioner shall not pursue any other degree course within the duration period of M.D. Pharmacology i.e., six years, as stated supra. It is made clear that failure on the part of the petitioner in complying the said condition would necessitate payment of discontinuation fee prescribed under the said Clause to the 3rd respondent.



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However, the 3rd respondent shall collect tuition fee, if any, due from the petitioner. Further, it is stated that this case cannot be quoted as precedent.

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

26.04.2023

Index: Yes/ No
Speaking order / Non speaking order
Neutral citation : Yes / No
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To
1. The Principal Secretary to Government,
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Fort. St. George,
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