



WP No.4461 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09-03-2023

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THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

WP No.4461 of 2017

S.P.Akila Devi

..

Petitioner

VS.

1.The Secretary,
Ministry of Human Resources and Development
Department,
Union of India,
New Delhi.

2.The Secretary,
Ministry of AYUSH,
Ayush Bhawan,
B-Block, GPO Complex,
INA, New Delhi-110 023.

3.The Secretary,
University Grants Commission,
Bahadur Shah Zafar Marg,
New Delhi-110 002.



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4.The Academic Officer,
The Dr.M.G.R.Medical University,
Guindy,
Chennai.

5.The Deputy Director (Admin),
National Institute of Siddha,
Ministry of AYUSH,
Government of India,
Tambaram Sanatorium,
Chennai.

.. Respondents

Writ Petition is filed under Article 226 of the Constitution of India, for the issuance of Writ of Certiorarified Mandamus, calling for the records of the fifth respondent in connection with the impugned order passed in letter F.No.NIS/4-5/Academics/Vol.XI/26951 dated 13.05.2016 and quash the same issuance a direction to the fifth respondent to disburse the eligible stipend for the period final year study.

For Petitioner : Mr.Ilayaraja Kandasamy

For Respondents-1,2 and 5 : Ms.ME.Sarashwathy,
Senior Panel Counsel for
Government of India.



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For Respondent-3 : Mr.P.R.Gopinathan,
Standing Counsel for UGC.

For Respondent-4 : Mr.R.Imayavaramban
for M/s.Ramalingam and
Associates.

ORDER

The impugned order dated 13.05.2016 passed by the fifth respondent stating that the petitioner is not eligible for stipend for the extended period of study, is under challenge in the present writ petition.

2. The petitioner states that she joined the PG Course of M.D. (Siddha) in the National Institute of Siddha, Tambaram-Sanatorium at Chennai in the academic year 2010-2011.

3. It is not in dispute that the petitioner was admitted on 01.06.2010 to undergo three year PG Course of M.D. (Siddha) in the said National Institute of Siddha.

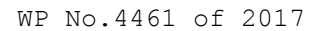


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4. The contention of the petitioner is that she discontinued her studies on account of pregnancy and thereafter, she submitted an application for continuance of her Course. The Authorities Competent permitted her to continue the Course by condoning the delay and thereafter, she had completed the Course of M.D. (Siddha).

5. The grievance of the petitioner is that as per the 39th Meeting of the Standing Academic Board Resolution held on 21.06.2010, the stipend cannot be denied to the petitioner, since she was admitted to the M.D. (Siddha) Course in the year 2010-2011.

6. The learned Senior Panel Counsel for Government of India, appearing on behalf of the respondents 1, 2 and 5 made a submission that the petitioner was admitted to the Post Graduation Course on 01.06.2010 and she discontinued the Course without getting any prior permission from the Competent Authorities on 17.06.2012. The petitioner abandoned the



7. The College Authorities had considered the case of the writ sympathetically and the petitioner being a woman was considered leniently. In view of the above facts, the authorities granted the continuance of her Course and allowed her to continue the Post Graduate Course. Accordingly, she was readmitted to the P.G. Course in 1955 and thereafter she completed the M.D.(Siddha) Course.

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“The break in study period upto three months can be condoned / permitted by the Dean/Principal.

If the break in study period is more than 3 months but less than 18 months, the candidates should apply to the university for condonation of the break of study.

If the break period exceeds 18 months, the candidates will be discharged from the respective courses.

If the candidate after acquiring more than 50% of attendance in an academic year, goes on break, he/she will be permitted to continue the balance period of study after obtaining the condonation orders from the University.

If a candidate enters into break of study with less than 50% of attendance in an academic year, he/she has to undergo the course after obtaining the condonation orders from the University at the beginning of the year of study in which the candidate has entered on break.

The Dean/Principal of the colleges



concerned shall not permit any candidate with a break of Study between 3 and 18 months to rejoin the course without obtaining the condonation orders from the university.

If the Deans/Principals permit any candidate with a break of study between 3 and 18 months to rejoin the course without obtaining condonation orders from the University, the intermittent period from the date of rejoining to the date of condonation orders will not be treated as a certified period of study and they will have to repeat the period of study.

The candidates are not eligible for grant of any stipend during the break period and during the extended period of study consequent on the break.”

9. As per the Resolution passed by the Standing Academic Board if the break period exceeds 18 months, the candidates will be discharged from the respective Courses. Further the candidates are not eligible for grant of any stipend during the break period and during the



extended period of study consequent on the break.

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10. Relying on the above decision of the Standing Academic Board, the learned Senior Panel Counsel for Government of India, appearing on behalf of the respondents 1, 2 and 5, reiterated that the petitioner discontinued her Course on 17.06.2012 and was allowed to re-join as a fresh entrant in the year 2015 and thereafter, she completed the Course. As on the date of re-admission, the Minutes of the 44th Meeting of the Standing Academic Board was in force and therefore, as per the said Resolution, the petitioner is not entitled to seek any stipend.

11. Let us even examine the Resolution passed in the 39th Meeting of the Standing Academic Board dated 21.06.2010, which is relied on by the petitioner for the purpose of grant of stipend. Even the said Resolution stipulates that break up of study means any absence for more than six months during the course of study. Clause 2(iv) of the 39th Meeting Resolution stipulates that “if the candidate is on break up study for two



spells in an academic year of a particular Course, the candidate is deemed to have been discharged from the Course of study. One cannot apply for condonation of the break.”

12. Therefore, even as per the Resolution of the year 2010, the petitioner, admittedly, discontinued the Course for more than 2-1/2 years and therefore, she was deemed to have been discharged from the Course of study. When the petitioner was deemed to have been discharged from the Course of study as per Clause 2(iv) of the 39th Meeting of the Board Resolution, there is no provision for continuation of break. More specifically, the Resolution states that one cannot apply for condonation of delay. Therefore, the application submitted by the petitioner after a lapse of 2-1/2 years from the date of discontinuance ought to have been rejected in limine.

13. When the petitioner has no locus standi to apply for continuance, since the Resolution states that one cannot apply for



condonation of break, the Authorities have considered the case of the petitioner as a special case and took a lenient view and allowed her to continue the Course in the year 2015. Therefore, even as per the 39th Meeting of the Board Resolution, there is no provision to grant re-admission to the student, who discontinued the Course for two spells in the academic year.

14. At the outset, a concession has been granted to the writ petitioner to complete her Post Graduation Course of M.D.(Siddha). Accordingly, she had completed the Course. The petitioner, admittedly, received the stipend for two years and therefore, the present writ petition filed seeking stipend for the third year is impermissible and as per the Resolution of the Standing Academic Board, the petitioner is not eligible to avail the benefit of stipend even as per the 39th Meeting Resolution and as per the 44th Meeting Resolution. Thus this Court do not find any infirmity in respect of the order impugned passed by the fifth respondent dated 13.05.2016.



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15. With the abovesaid observations, the writ petition stands dismissed. However, there shall be no order as to costs.

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Speaking Order/Non-Speaking Order.

Neutral Citation : Yes/No.

Internet : Yes/No.

Index: Yes/No.

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S.M.SUBRAMANIAM, J.

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