



W.P(MD)No.145 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 31.07.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.145 of 2023 and
WMP(MD) Nos.133 & 134 of 2023

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Petitioner

Vs

1.The Director of Medical Education,
The Directorate of Medical Education,
No.162, Periyar Evr High Road,
Kilpauk, Chennai.

2.The Chairman,
Selection Committee, Director of Medical Education,
Kilpauk,
Chennai - 600 010.

3.The Dean,
Adhiparasakthi Dental College and Hospital,
Melmaruvathur,
Chengalpattu.

Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned notification issued by the second respondent vide his proceedings in Notification No.023/SCS1(1)/2022 dated 13.12.2022 and quash the same as illegal and consequentially to direct the 3rd respondent to



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issue 'Discontinuation Certificate' to the petitioner without insisting penalty and consequentially to direct the respondents to allow the petitioner to participate in the institutional stray counselling for admission to MBBS Seat within the period that may be stipulated by this Court.

For Petitioner	:Mr.Ajmal Khan for M/s.Ajmal Associates
For R1	:Mrs.D.Farjana Ghoushia Special Government Pleader
For R2	:Mrs.Sneha Standing Counsel
For R3	:Mr.Mohideen Basha

ORDER

The petitioner applied for MBBS Course for the academic year 2022-2023. Though she has participated in the 1st and 2nd rounds of counselling, she was not selected. Therefore, she participated in the mop-up counselling and was allotted with BDS course in the third respondent College based on the provisional allotment order dated 15.12.2022 and she joined the course on 16.12.2022. After joining the course in the third respondent College, the petitioner came to know that the candidates who have secured lesser marks than the petitioner, got admission in the MBBS course,



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in view of the impugned notice. Therefore, the petitioner has discontinued the BDS Course on 18.12.2022. Subsequently, the petitioner has requested for return of her original certificates and the same has not been considered by the respondents that the petitioner has joined the course only based on the provisional allotment in the mop-up counselling and therefore, as per clause 14-IV(e) and clause 20 of the prospectus, the petitioner is liable to pay the penalty of Rs.10 lakhs on her discontinuance. The petitioner has filed this writ petition challenging the notification dated 13.12.2022 that due to the same, the petitioner is deprived of her opportunity from getting MBBS seat.

2.The learned Standing Counsel appearing for the second respondent has circulated a position notes by referring clauses 14-IV(e) and 20 of the prospectus and submits that the petitioner has joined the course on 16.12.2022 based on the provisional allotment dated 15.12.2022 in the mop-up counselling. The learned Counsel by referring clause 20 of the prospects submits



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that the penalty for discontinuance as per clause 20 would be applicable only after the cut off date as fixed by the National Council of Medical Education / Dental Council of Medical Education. The cut off date for the academic year 2022-2023 was 14.01.2023 and the petitioner has discontinued the course on 18.12.2022 and therefore, penalty clause would not be applicable to the petitioner's case.

3.The petitioner has joined BDS course in the third respondent College on 16.12.2022 and discontinued on 18.12.2022. When the petitioner has requested for return of her original certificates, she was directed to pay the penalty of Rs.10 lakhs on her discontinuance as per clause 14-IV(e) and Clause 20 of the prospectus. According to the learned Standing Counsel for the second respondent, there is no violation of Clause 14-IV(e) and Clause 20 of the prospectus that this petitioner has discontinued on 18.12.2022, even prior to the cut off date as fixed by the National Medical Commission /Dental Council of India.



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4.In view of the above, this writ petition is allowed with a direction to the third respondent college to issue a 'Discontinuance Certificate' to this petitioner without insisting for any penalty within a period of one week from the date of receipt of a copy of this order.

No costs.

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NCC : Yes / No.

Index : Yes / No.

Internet:Yes

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To

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B.PUGALENDHI, J.

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