



W.P(MD)No.221 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.02.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.221 of 2023

and

W.M.P(MD)No.188 of 2023

A.Refaa Mohamed Zakkiriah (minor),
Represented by her Guardian
Mr.C.Mohamed Farook,
D/o.C.Mohamed Zakiriah,
51, Municipal Colony,
Nehruji Nagar,
Dindigul District.

... Petitioner

Vs

- 1.The Director of Medical Education,
The Directorate of Medical Education,
No.162, Periyar.EVR High Road,
Kilpauk,
Chennai.
- 2.Additional Director of Medical Education / Secretary,
Selection Committee,
Director of Medical Education,
Kilpauk,
Chennai – 600 010.
- 3.The Dean,
Trichy SRM Medical College Hospital and Research
Centre,
Trichy District.

... Respondents



W.P(MD)No.221 of 2023

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the first respondent to refund the tuition fee and the security deposit being a sum of Rs. 24,50,000/- to the petitioner within the period that may be stipulated by this Court.

For Petitioner : Mr.M.Ajmal Khan
Senior Counsel
for M/s.Ajmal Associates

For Respondents : Mr.T.Amjad Khan
Government Advocate
for R.1 & R.2
No Appearance for R.3

ORDER

Heard the learned Senior Counsel appearing for the writ petitioner and the learned Government Advocate appearing for the respondents 1 and 2.

2.The petitioner took part in the medical counselling process held for the academic year 2022-2023 under NRI quota. She got seat in the MBBS Course in the third respondent college in the first round of counselling. The petitioner was entitled to take part in the second round of counselling also. In the second round of counselling, she got seat under NRI quota in KMCH Institute of Health Sciences and Research, Coimbatore. The petitioner also joined the said institution and had studied for a week. It then turned out that the second round of counselling had been conducted in defiance of the order passed by the Principal Seat of this Court. Realizing that they may possibly have to



W.P(MD)No.221 of 2023

encounter contempt proceedings, the second round of counselling is cancelled by the authorities themselves.

3.In these circumstances, the petitioner wanted the tuition fee and security deposit amount back. The money is very much with the second respondent and it had not been passed on to the KMCH Institute of Health Sciences and Research, Coimbatore. When the second round of counselling was cancelled by the authorities themselves, no amount can be withheld. This is because the petitioner is not at fault. The second respondent shall refund the petition mentioned amount (tuition fee and security deposit of Rs.24,50,000/-) to the petitioner within a period of two weeks from the date of receipt of a copy of this order.

4.This writ petition is allowed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

13.02.2023

Index : Yes / No

Internet : Yes / No

NCC : Yes / No

MGA

Note: Issue Order Copy on 14.02.2023.



WEB COPY



W.P(MD)No.221 of 2023

G.R.SWAMINATHAN, J.

MGA

To

- 1.The Director of Medical Education,
The Directorate of Medical Education,
No.162, Periyar.EVR High Road,
Kilpauk,
Chennai.
- 2.Additional Director of Medical Education / Secretary,
Selection Committee,
Director of Medical Education,
Kilpauk,
Chennai – 600 010.

W.P(MD)No.221 of 2023

and

W.M.P(MD)No.188 of 2023

13.02.2023