



W.P(MD)No.9562 of 2014

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 20.09.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.9562 of 2014
and
M.P.(MD)No.2 of 2014

1.Augustina Angeline
2.A.Ameerunnisha Begum ... Petitioners

Vs.

1.The Chairman,
Medical Council of India,
Sector – 8, Pocket 14, Dhuvaraka,
New Delhi – 110 007.

*(R1 is deleted from the array of parties vide
order dated 16.02.2023 in W.P.(MD)No.9562
of 2014 by KBJ)*

2.The Secretary,
Ministry of Health and Family Welfare,
Nirman Bhawan, New Delhi – 1110 011.

3.The Chairman,
DD Medical College,
DD Nagar,
Kunnavalam,
Thiruvallur District.



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4.The Chairman,
National Medical Commission,
Pocket-14, Sector 8, Dwarka Phase-1,
New Delhi.

*(R4 is impleaded vide order dated 16.02.2023
in W.P.(MD)No.9562 of 2014 by KBJ)*

5.The Secretary to Government,
Health and Family Welfare Department,
Government of Tamil Nadu,
Chennai.

6.The Director of Medical Education,
Thenampet, Chennai. ... Respondents
*(R5 and R6 are suo motu impleaded vide order
dated 17.08.2023 in W.P.(MD)No.9562 of
2014 by GRSJ)*

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to return back a sum of Rs.23,70,000/- and Rs.16,20,000/- respectively to the petitioners which was excessively collected by the 3rd respondent from the deposit amount of Rs.9,00,00,000/- lying with the custody of the 1st Respondent.

For Petitioners : Mr.C.M.Arumugam

For Respondents : Mr.D.Gandhiraj,
Spl. Government Pleader for R5 & R6.
Ms.Subharanjani Ananth,
Standing Counsel for R2.
Mr.V.Malaiyandran,
Central Govt. Standing Counsel for R4.
No appearance for R3.



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ORDER

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Heard the learned counsel for the writ petitioners, the learned standing counsel for National Medical Commission, the learned Central Government Standing Counsel for the second respondent and the learned Special Government Pleader for the State Government.

2.The writ petitioners joined D D Medical College in the year 2010. The Medical Council of India had granted permission for starting the said medical college. The petitioners also remitted fees for the first four years. Since the infrastructural facilities were inadequate, the letter of permission given to the college was withdrawn. In fact, even for admitting the second batch of students, the third respondent did not have any approval. The petitioners were thereafter admitted in Madurai Medical College run by the Government of Tamil Nadu for the fourth year. They have successfully completed their course also. Contending that they had to make payment for the fourth year twice, the petitioners filed this writ petition for directing the first respondent to return the sums remitted by them from the deposit amount of Rs.9 Crores lying with the first respondent.

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3.This Court called upon the learned standing counsel for the National Medical Commission to clarify as to what happened to the deposit made by the third respondent with them.

4.On 05.09.2023, it was stated by the learned standing counsel submitted that this amount had been handed over to the State Government. The matter was adjourned to enable the learned Special Government Pleader to get instructions as to whether the said amount has been disbursed. Today, when the matter was taken up for hearing, the learned Special Government Pleader on instructions from the Director of Medical Education submitted that the said amount still is lying in government account and that it has not been disbursed.

5.The question that calls for consideration is whether the writ petition has to be allowed and the State Government directed to make any payment to the petitioners from out of the deposit amount.

6.Even though I was originally inclined to allow the writ petition, on a deeper consideration, I am of the view that the petitioners have not



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really suffered any loss. Admittedly, the petitioners had to pay a sum not less than Rs.7 Lakhs per year to the private medical college. For the first year, they had paid a sum of Rs.6,80,000/-, for the second year, they had paid a sum of Rs.7,00,000/-, for the third year, they had paid a sum of Rs.7,50,000/- and for the fourth year, they had paid a sum of Rs.8,00,000/-.

7.The petitioners had undergone their course for the first three years in the private medical college. For the marks secured by them, the petitioners would not have gained entry into any Government Medical College. Thanks to the beneficial stand taken by the State Government, the petitioners came to be accommodated in Madurai Medical College which is a very prestigious institution. It is true that the petitioners had to pay a sum of Rs.2,80,000/- each to the State Government after already paying a sum of Rs.8,00,000/- each to the management of the private medical college. I want to remind them that for the fifth year, if they had continued their course in the private medical college, they would have paid a further sum of not less than Rs.8,00,000/- each to the private medical college. But a far lesser amount was paid by them as they had



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shifted to a government college. Thus, the petitioners have not really suffered any loss. Therefore, I am not inclined to grant any relief to the petitioners.

8.It is seen that the management had illegally admitted a second batch of students. The State Government could accommodate only the first batch students. The second batch students had been left high and dry. Only they are the real losers. If any claim is made by the students belonging to second batch of D D Medical College, the government shall pay them on a pro rata basis. Under no circumstances, the deposit amount shall be returned to the private management. If any criminal case was registered against D D Medical College management, it shall be pursued.

9.With this direction to the respondents 5 and 6, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

20.09.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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To:-

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Health and Family Welfare Department,
Government of Tamil Nadu,
Chennai.
- 2.The Director of Medical Education,
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G.R.SWAMINATHAN, J.

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