



W.P.(MD)No.21044 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 28.08.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)No.21044 of 2023 and
WMP(MD) No.17459 of 2023

P.Dharani Devi

... Petitioner

Vs

1.The Selection Committee,
Directorate of Medical Education and Research,
Paramedical Degree Courses 2023-24,
Chennai.

2.The Dean,
Madurai Medical College,
Madurai.

3.The Dean
Government Yoga and Naturopathy Medical
College and Hospital,
Near Anna Arch,
Arumbakkam,
Chennai -106.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Mandamus, directing the second respondent to permit the petitioner to join B.Sc., Physician Assistant (paramedical course) by accepting the xerox copies of the certificates of the petitioner including SSLC Marksheet, HSE Marksheet, Transfer Certificate and Community Certificate with an undertaking to produce the original within a period of one month by considering her representation dated 27.08.2023.

For Petitioner : Mr.K.Jeyamohan
For R2 & R3 : Mr.M.Sarangan,
Additional Government Pleader

ORDER

The case of the petitioner is that the petitioner has joined in the Government Yoga and Naturopathy Medical College and Hospital, Arumbakkam, Chennai/the third respondent herein for the course of Bachelor of Naturopathy and Yogic Science and due to some health issues, she discontinued her studies on 07.10.2022. When the petitioner sought for return of her original certificates, the third respondent has insisted the petitioner to pay the balance course fee as a discontinuation fee and also retained her original certificates. Therefore, the petitioner



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has filed a writ petition before this Court in WP(MD) No.12875 of 2023 and this Court by order dated 06.07.2023 allowed that writ petition with a direction to the petitioner to pay a partial penalty amount of Rs.25,000/- and submit an undertaking affidavit for paying the remaining penalty amount, as imposed by the Government vide G.O.(D) No.14, Health and Family Welfare (IM1-2), Department, dated 09.01.2023 and permitted the petitioner to pay the remaining penalty amount of Rs.75,000/- within a period of six months in three equal instalments. Further direction was also issued by this Court to the third respondent to return all the original certificates of the petitioner immediately. The grievance of the petitioner is that even after the payment of Rs.25,000/- by the petitioner, the third respondent has not returned the original certificates to the petitioner. Now the petitioner got admission for B.Sc., Physician Assistant in Madurai Medical College, Madurai and she has been directed to produce her original certificates as mentioned in the prospectus on or before 29.08.2023 at 5.00 p.m. Since the original certificates of this petitioner are with the



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third respondent, she could not submit the same before the first respondent. Hence, this petition.

2.The learned counsel appearing for the petitioner by referring the earlier order passed by this Court in WP(MD) No.12875 of 2023, dated 06.07.2023 submits that as directed by this Court, the petitioner has paid a sum of Rs.25,000/- on 24.08.2023 and she has also given an undertaking affidavit for payment of balance amount of Rs.75,000/- Even then, the third respondent has not returned the certificates. Therefore, the petitioner is not in a position to produce the original certificates as directed in the notice issued by the first respondent, pursuant to the allotment order dated 22.08.2023.

3.Mr.M.Sarangan, learned Additional Government Pleader takes notice for the respondents 2 & 3 submits that in view of the earlier order passed by this Court the petitioner has also complied with the directions issued by this Court on 06.07.2023.



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4.Considering the fact that the petitioner has now admitted for the course B.Sc., Physician Assistant in Madurai Medical College, Madurai and also taking into consideration that the petitioner has complied with the directions issued by this Court in WP(MD) No. 12875 of 2023 on 06.07.2023, this writ petition is allowed in the following terms:

- i. The petitioner may be permitted to produce the original certificates within a period of three weeks from today. The second respondent shall consider the application of this petitioner along with the photocopies of the certificates and the bonafide certificate issued by the third respondent on 24.08.2023.
- ii. The learned Additional Government Pleader is directed to instruct the third respondent to return the original documents within a period of two weeks from today. The learned Additional



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Government Pleader is also directed to intimate this order to the second respondent forthwith. No costs. Consequently, connected Miscellaneous Petition is closed.

28.08.2023

NCC : Yes / No.

Index : Yes / No.

Internet : Yes / No.

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Note: Issue order copy today (28.08.2023)



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B.PUGALENDHI, J.

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