



W.P(MD)No.25371 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 17.10.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.25371 of 2023

and

W.M.P(MD)No.21537 of 2023

A.Aysha Siddiqua

... Petitioner

Vs.

1.The State represented by
The Principal Secretary,
Health and Famil (MCA-1) Department,
Fort St.George,
Chennai – 600 009.

2.The Director of Medical Education,
Directorate of Medical Education,
Kilpauk, Chennai – 600 010.

3.The Selection Committee,
Represented by its Secretary,
Directorate of Medical Education,
162, Periyar E.V.R.High Road,
Kilpauk, Chennai – 500 010.

... Respondents



W.P(MD)No.25371 of 2023

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 permit the Petitioner to resign/discontinue from the M.S.Ophthalmology seat in Kanyakumari Medical College allotted to the petitioner in Round No.2 of State Counselling for P.G.Degree courses 2023 without payment of discontinuation fees and without forfeiture of security fee and tuition fee and consequently, re-introduce the Petitioner's seat to the seat matrix for allotment in the Stray Vacancy Round of State Counselling for P.G.Degree courses 2023.

For Petitioner : Mr.E.Manoharan

For Respondents : Mr.S.RA.Ramachandran
Additional Government Pleader
for R.1 & R.2

Mrs.M.Sneha for R.3

ORDER

Heard both sides.

2. The writ petitioner Dr.A.Aysha Siddiqa successfully completed her MBBS degree course in the year 2016. She is now a Government Doctor. She obtained good marks in NEET for getting entry into PG Course. The petitioner was allotted M.S Ophthalmology seat in



W.P(MD)No.25371 of 2023

Kanyakumari Medical College in Round 2. On 12.06.2023, the petitioner's family had met with a tragic accident. The petitioner's five year old child died. This incident has affected the petitioner's mental condition. The petitioner does not want to pursue M.S Ophthalmology Course. She wants to give up the seat allotted to her.

3. Giving up the seat allotted in such counselling entails huge penalty. Choice locking for stray counselling is to conclude by this evening at 08.00 p.m. I wanted to know from the learned Standing Counsel appearing for the third respondent if the seat given up by the writ petitioner can be shown as vacant for any other applicant to pick up or choice lock. The learned Standing Counsel submitted that it is too late.

4. The learned counsel appearing for the petitioner points out that the petitioner had informed the third respondent on 12.10.2023 through e-mail and met them in person on 13.10.2023. The third respondent could have very well shown the allotted seat as vacant for stray counselling.



W.P(MD)No.25371 of 2023

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5. Considering the special facts and circumstances of this case, the respondents are directed not to saddle the petitioner with penalty. This writ petition is disposed of accordingly. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

17.10.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No

MGA

To

1.The Principal Secretary,
Health and Famil (MCA-1) Department,
Fort St.George,
Chennai – 600 009.

2.The Director of Medical Education,
Directorate of Medical Education,
Kilpauk, Chennai – 600 010.

3.The Secretary,
Selection Committee,
Directorate of Medical Education,
162, Periyar E.V.R.High Road,
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W.P(MD)No.25371 of 2023

G.R.SWAMINATHAN, J.

MGA

W.P(MD)No.25371 of 2023
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