



W.P.No.10867 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.08.2024

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.10867 of 2024

M.Shriram

... Petitioner

Vs.

1.The Director of Medical Education and Research,
156, Poonamallee High Road,
New Bupathy Nagar,
Chetpet, Chennai,
Tamil Nadu-600 031.

2.The Secretary,
Selection Committee,
The Directorate of Medical Education and Research,
156, Poonamallee High Road,
New Bupathy Nagar,
Chetpet, Chennai,
Tamil Nadu-600 031.

3.The Dean,
Stanley Medical College,
No.1, Old Jail Road,
Chennai-600 001.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India



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praying for issuance of a Writ of Mandamus to direct the respondents herein to accept the letter of resignation dated 12.03.2024 from his seat in P.G in General Surgery and accordingly, direct the respondents to return the Original Certificates deposited by the petitioner at the time of admission without insisting upon any penalty by taking into consideration the orders of this Court in W.P.No.29086 of 2023 dated 11.10.2023 and W.A.No.2863 of 2023 dated 17.10.2023 and Cont.P.No.2742 of 2023 dated 05.03.2024.

For Petitioner : Mrs.Darashayan Reddy
Senior Counsel
for Mrs.S.Suneetha

For Respondents : Mr.E.Sundaram
Government Advocate
for R1 & R3
Ms.M.Sneha
Standing Counsel for R2

ORDER

This Writ Petition has been filed to direct the respondents herein to accept the letter of resignation dated 12.03.2024 given by the petitioner for discontinuation in Post Graduate Degree in General Surgery and to return the Original Certificates deposited by the petitioner at the time of admission without insisting any penalty.

2. The learned counsel appearing for the petitioner submits that the



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petitioner has completed MBBS in Government Chengalpattu Medical College in the year 2021 and wrote NEET Examination conducted in the month of March 2023 and got 4479 rank in All India Quota and 597 rank in State Quota. The petitioner has submitted an application under the Prospectus issued by the respondents for the session 2023-2024 for pursuing higher education in General Medicine. The petitioner also participated under the various rounds of counseling on the premise that the third round of counseling would be conducted as Mop up counseling and during the process of counseling, certain writ petitions were filed before this Court and the third round of counseling which was hitherto Mop Up Counseling was changed into third round of counseling, enabling those who already got seat under Round I and II Counseling to again participate in the III Round of Counseling for the purpose of up-gradation. Since the entire counseling was conducted on the premise that the third round of counseling would be a mop up counseling, the petitioner filed a writ petition in W.P.No.29086 of 2023 challenging the proceedings of the respondents whereby, the rules of the game were sought to be changed after the game had begun and this Court



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has disposed the writ petition, vide order dated 11.10.2023, directing the respondents herein to allot any one of the seats as well, if vacated now by the candidates, to the petitioner, by virtue of up-gradation in Round III, against which, the respondents have preferred writ appeal in W.A.No.2863 of 2023 before this Court and the Hon'ble Division Bench of this Court also disposed the writ appeal. In the meantime, the petitioner was allotted M.S.General Surgery in Stanley Medical College, Chennai, for the session 2023-2024. However, the petitioner was denied a seat unjustly in General Medicine and therefore, he does not want to pursue the course in General Surgery at Stanley General Hospital and has given a letter dated 12.03.2024 to the respondents seeking for returning the original Certificates and a permission to resign from the course without imposition of penalty, however, the respondents have not given any reply to the petitioner's letter. The petitioner is now desirous to write the competitive examination in the present year for admission into the General Medicine in other colleges, for which, he needs the Original Certificates so as to enable him to pursue his study. Therefore, the present writ petition has been filed.



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3. The learned counsel appearing for the second respondent submits that the petitioner participated in the Round 1 Counseling under Government Quota for Post Graduate Degree/Diploma Course and he was allotted M.S.General Surgery in Stanley Medical College, Chennai for the session 2023-2024 and he has not joined the course and again the petitioner participated in Round 3 Counseling under Government Quota and he was freshly allotted M.S.General Surgery in Stanley Medical College, Chennai, for the session 2023-2024 and he joined the course on 13.10.2023. Now, the petitioner wants to discontinue the course and he seeks Original Certificates submitted by him during the time of joining the Course, for which, discontinuation fee of Rs.15,00,000/- is to be paid by the petitioner, as per Clause 26(vi) of the Prospectus for admission to Post Graduate Degree/Diploma Courses for Government/ Government Quota seats in Self-Financing Medical Colleges for the session 2023-2024 , since a seat fell vacant because of discontinuation of the petitioner in the Course.



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4. Heard the learned counsel appearing for the petitioner, the learned Government Advocate appearing for the respondents 1 and 3 and the learned Standing Counsel appearing for the second respondent.

5. It is seen from the materials available on record that the petitioner has applied for Post Graduate Degree in General Medicine for the session 2023-2024 and participated in Round 1 Counseling under Government Quota and he was allotted M.S.General Surgery in Stanley Medical College, Chennai for the year 2023-2024 and he has not joined the course. Again, the petitioner participated in Round 3 Counseling under Government Quota and he was freshly allotted M.S.General Surgery in Stanley Medical College, Chennai, for the session 2023-2024 and he joined the course on 13.10.2023. However, the petitioner now does not want to pursue the course, since he was denied a seat in General Medicine and he sent a letter dated 12.03.2024 seeking for a permission to resign from the course without imposition of penalty and to return the original Certificates. The respondents have not returned the Original Certificates submitted by the



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petitioner during the time of joining the Course on the ground that as per Clause 26(iv) of the Clause 26(vi) of the Prospectus for admission to Post Graduate Degree/Diploma Courses for Government/ Government Quota seats in Self-Financing Medical Colleges for the session 2023-2024, the candidates, who joined and discontinued the P.G. Degree course after the date as stipulated by the Selection Committee should pay the discontinuation fee of Rs.15,00,000/- to the Dean of the respective College. Unless the petitioner pays the amount fixed in the Prospectus, the Original Certificates will not be returned to the petitioner.

6. In the aforesaid circumstances, as the petitioner had joined the Course knowing fully well that discontinuance would result in payment, the petitioner has to necessarily pay the amount. Therefore, the petitioner is directed to pay a sum of Rs.15,00,000/- (Rupees Fifteen Lakhs only) to the third respondent College within a period of two weeks from the date of receipt of a copy of this order and on receipt of the amount, the third



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respondent College is directed to return the Original Certificates within a period of one week thereafter. In case the petitioner wants to participate in NEET for the year 2024-2025, it is open to him to participate.

7. Accordingly, this Writ Petition is dismissed. There shall be no order as to costs.

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NCC: Yes / No

Index : Yes / No

Speaking Order : Yes / No

ssb

Note: Issue order copy on **05.09.2024.**



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To

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