



WEB COPY



W.A.No.2.....

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.08.2024

CORAM:

THE HON'BLE MR.D.KRISHNAKUMAR
ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.B.BALAJI

W.A.No.2365 of 2024

N.Thendral

... Appellant/Petitioner

-VS-

1. The Director and Superintendent,
Institute of Obstetrics and Gynaecology (IOG),
Government Hospital for Women and Children,
Egmore, Chennai-600 008.

2. The Secretary,
Selection Committee,
Directorate of Medical Education,
Kilpauk, Chennai-10.

... Respondents/Respondents

Prayer: Writ Appeal filed under Clause 15 of Letters Patent to set aside the order dated 23.04.2024 made in W.P.No.10916 of 2024 on the file of this Court, pending disposal of the Writ Appeal.

For Appellant : Mr.K.Venkatasubban

For Respondents : Mrs.M.Sneha
Spl.Counsel

J U D G M E N T



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(By Hon'ble Acting Chief Justice)

This Writ Appeal has been filed, challenging the order dated 23.04.2024

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made in W.P.No.10916 of 2024, by which the Writ Petition was disposed of, with a direction to the respondents to return the original documents, provided the petitioner pays a sum of Rs.5,00,000/- as per Clause 26(a) of the Prospectus.

2. It is the case of the Writ Petitioner/Appellant herein that she was selected to undergo Post Doctoral Fellowship Programme in Gynaecology for the academic year 2019-2020 under the NEET merit list and paid Rs.1,00,000/- towards admissions fees. Subsequently, she had decided to discontinue her course on account of her health issues even before completion of two years course and sought for return of the original certificates. It is further case of the appellant that the respondent/College demanded Rs.5,00,000/- as per Clause 26(a) of the Prospectus and since she hailed from a Middle Class Family, she was not in a position to pay such huge amount.

3. Learned Special Counsel appearing for the respondents contended that though legal issues are involved in the instant Writ Appeal, considering the fact that the discontinuation of the appellant from the course was due to her treatment for fertility (IVF), the respondents have agreed to consider the request of the appellant as an exceptional case, without treating it to be precedent for others to come with such similar



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demand.

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4. In view of the fair submission made by the learned Special Counsel, all the Original Certificates pertaining to the appellant herein are directed to be returned to the appellant within a period of one week from the date of receipt of a copy of this judgment. It is made clear that this judgment is rendered taking into account the health issues being undergone by the appellant and will not inure to the benefit of others to claim such right on the principle of precedence.

With the above directions, the Writ Appeal is disposed of. No costs.

[D.K.K.,ACJ.]

[P.B.B.,J.]

27.08.2024

Index: Yes / No

Internet: Yes / No

Speaking Order/Non Speaking Order

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HON'BLE ACTING CHIEF JUSTICE,

AND

P.B.BALAJI,J.,



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