



WA No.2614 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.04.2024

CORAM

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE
AND

THE HON'BLE MR.JUSTICE J.SATHYA NARAYANA PRASAD
WA No.2614 of 2023

Santhosh Srinivas, C. : Appellant

versus

1.State of Tamil Nadu,
rep. By its Principal Secretary to Government,
Health & Family Welfare Department,
Fort St.George, Chennai 9

2.Directorate of Medical Education,
No.162, Kilpauk, Chennai 600 010.

3.PSG Institute of Medical sciences & Research,
Peelamedu, Coimbatore 641 004

4.National Medical Commission,
Pocket 14, Sector 8,
Dwarka Phase 1,
New Delhi 110077

: Respondents

Prayer: Writ appeal filed under Clause 15 of the Letters Patent against
the order of learned Single Judge in WP No.8605 of 2023 dated
26.04.2023.



WA No.2614 of 2023

For the Appellant : Ms.N.Kavitha Rameshwar
For Respondents 1, 2 : Mr.C.Kathiravan,
Special Government Pleader
For Respondent No.4 : Ms.Shubharanjani Ananth
For Respondent No.3 : No appearance

JUDGMENT

(Made by the Hon'ble Chief Justice)

We have heard Ms.N.Kavitha Rameshwar, learned counsel for the appellant; Mr.C.Kathiravan, learned Special Government Pleader, for respondents 1 and 2; and Ms.Shubharanjani Ananth, learned counsel for the fourth respondent.

2. Learned counsel for the appellant submits that notice was served on the third respondent and Mr.Abhishek Jenasenan, learned counsel, had appeared for the third respondent on an earlier occasion.

3. The appellant had filed a writ petition seeking directions against the respondents to relieve the appellant from M.D. Pharmacology course and to return his original certificates submitted



WA No.2614 of 2023

by him to the respondents at the time of admission, without insisting on payment of the discontinuance fees, as mentioned in Clause 22(c) of the prospectus.

4. Learned Single Judge has disposed of the writ petition vide order dated 26.04.2023. Paragraph 9 of the order reads as under:

"9. In view of the above, this Court directs the 2nd and 3rd respondents to return the original certificates to the petitioner, without insisting on payment of the Discontinuation Fees as mentioned in Clause 22(c) of the Prospectus, within a period of three weeks from the date of receipt of a copy of this order, subject to condition that the petitioner shall not pursue any other degree course within the duration period of M.D. Pharmacology i.e. six years, as stated supra. It is made clear that failure on the part of the petitioner in complying the said condition would necessitate payment of discontinuation fee prescribed under the said clause to the 3rd respondent. However, the 3rd respondent shall collect tuition fee, if any, due from the petitioner. Further, it is stated that this case



WA No.2614 of 2023

cannot be quoted as precedent.”

WEB COPY

5. Learned counsel for the appellant submits that M.D. Pharmacology course is a three years course. Restraining the appellant for a further six years would be unreasonable, arbitrary and it would not stand to any reason. Learned counsel relies upon Clauses 8(a) and (b) of the prospectus.

Clauses 8(a) and (b) of the prospectus read as under:

“8(a) Candidates who join a Post Graduate Degree/ Diploma Course in any branch and discontinue the course on any grounds on or after the second round counseling as per the guidelines of National Medical Commission are not eligible to apply for two subsequent academic years for any Post Graduate Degree/ Diploma Courses. Further, the candidate shall be considered as discontinued and should pay the Discontinuation Fee as per clause 22(c) of this Prospectus.

(b) the candidates who take allotments for PG Degree/Diploma courses in any branch in the second round of counselling must join the courses, if not, they are not eligible to



WEB COPY



WA No.2614 of 2023

apply for two subsequent academic years for any Post Graduate Degree/Diploma courses. The candidate shall be considered as discontinued and should pay the discontinuation fee as per the clause 22(c) of this prospectus.”

6. The appellant has discontinued the course. Learned Single Judge has directed the respondents to relieve the appellant from the course without insisting on the payment of discontinuation fees and also directed return of the original certificates. However, learned Single Judge has further directed that for a period of six years, the appellant shall not pursue any other degree course.

7. The said condition directing the appellant not to pursue further Post graduate course for six years is an onerous one and is not supported by any rules, regulations or prospectus. Clauses 8(a) and (b) as referred to supra only bars a person from applying for two subsequent academic years for any post graduate course.



WA No.2614 of 2023

WEB COPY

8. In light of that, we modify the order passed by learned Single Judge de-barring the appellant from pursuing any other degree course for a period of six years. Instead, we direct that the appellant shall not be eligible for admission for two subsequent academic years to any post graduate/diploma course.

9. The writ appeal as such is partly allowed. There shall be no order as to costs. Consequently, CMP No.22037 of 2023 is closed.

(S.V.G., CJ.) (J.S.N.P., J.)
24.04.2024

Index : Yes/No
Neutral Citation : Yes/No
tar



WA No.2614 of 2023

To

WEB COPY

- 1.State of Tamil Nadu,
rep. By its Principal Secretary to Government,
Health & Family Welfare Department,
Fort St.George, Chennai 9
- 2.Directorate of Medical Education,
No.162, Kilpauk, Chennai 600 010.
- 3.PSG Institute of Medical sciences & Research,
Peelamedu, Coimbatore 641 004
- 4.National Medical Commission,
Pocket 14, Sector 8,
Dwarka Phase 1,
New Delhi 110077



WEB COPY



WA No.2614 of 2023

THE HON'BLE CHIEF JUSTICE

AND

J.SATHYA NARAYANA PRASAD, J.

(tar)

WA No.2614 of 2023

24.04.2024