



WEB COPY



Cont.P.No.2202 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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|----------------------|------------|
| <b>Reserved on</b>   | 10.01.2024 |
| <b>Pronounced on</b> | .03.2024   |

CORAM :

**THE HONOURABLE MR. JUSTICE M.S. RAMESH**  
**AND**  
**THE HONOURABLE MR. JUSTICE SUNDER MOHAN**

Suo Motu Criminal Cont.P.No.2202 of 2023

High Court of Madras,  
Madras – 600 104.

...Petitioner

Vs.

Dr.Anil Jabco Purty,  
Director,  
Puducherry Institute of Medical Sciences (PIMS),  
Ganapathi Chettikulam,  
Puducherry – 605 014.

...Respondent

**PRAYER:** Suo Motu Criminal Contempt Proceedings initiated against the Contemnor herein as per the order of this Court dated 09.08.2023 made in W.A.Nos.861 and 862 of 2017.

For Petitioner : Mr.V.Vijayashankar

For Respondent : Mr.Vijay Narayan, Sr. Counsel  
for Mr.Abishek Jenasen



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## **ORDER**

**M.S.RAMESH,J.**

Heard Mr.V.Vijayashankar, learned counsel appearing for the petitioner and Mr.Vijay Narayan, learned Senior Counsel appearing for the respondent/contemnor.

2. The appellant, in both the Writ Appeals in W.A.Nos.861 and 862 of 2017, was allotted a Post Graduate medical seat at Puducherry Institute of Medical Sciences (PIMS) and was required to join by 15.05.2017. When he had approached PIMS to join, he was denied admission, which prompted him to file a Writ Petition in W.P.No.12347 of 2017, seeking for a direction to admit him in the Post Graduate courses for General Surgeon. In the said Writ Petition, an interim order was passed on 11.05.2017, directing PIMS to keep one seat vacant. In the meantime, the Puducherry Fee Committee fixed the provisional annual fee for Post Graduation courses at Rs.3,00,000/- on 14.05.2017. Accordingly, the appellant had paid Rs.3,00,000/- to PIMS on 15.05.2017. Subsequently, the fixation of the provisional annual fee came to be stayed, through the order passed in W.P.No.12912 of 2017, at the



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instance of another affiliated Medical College. Subsequently, the annual fee came to be revised to Rs.5,50,000/-. The claim of the appellant that he had tendered the balance amount of Rs.2,50,000/- to PIMS and thereafter to CENTAC, was disputed. In the meantime, PIMS had returned the sum of Rs.3,00,000/- to the appellant on 29.05.2017, by placing reliance on the stay order granted in W.P.No.12912 of 2017.

3. In this background, the Co-ordinate Bench of this Court, while passing orders in W.A.Nos.861 and 862 of 2017, had taken cognizance of the fact that the stay granted was only for fixation of the fee by the Fixation Committee and did not authorize PIMS to return the demand draft and admit another student in the vacancy and arrived at the *prima facie* opinion that this act would amount to an interference with the course of justice and accordingly have initiated suo motu contempt proceedings.

4. The learned Senior Counsel appearing for the respondent placed reliance on the affidavit filed on behalf of the contemnor and submitted that PIMS was under the bona fide belief that the stay order of the fee fixation



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was applicable to all the institutions and under this genuine belief, they had refunded the amount of Rs.3,00,000/- to the writ appellant. The learned Senior Counsel also drew attention to the unconditional apology rendered by the respondent in this regard. The relevant portion of the affidavit reads as follows:-

*“8. It is humbly submitted that the fee order issued by the Government of Puducherry was contrary to the established principles for fee fixation laid down by the Hon'ble Supreme Court. Therefore, another affiliated medical Institution in Puducherry approached this Hon'ble Court by filing W.P.No.12912 of 2017 and obtained an order dated 18.05.2017 stating that the fee fixation will be kept in abeyance. It is mostly humbly submitted that it was the bona fide impression of the 4<sup>th</sup> Respondent Institution that the order issued by this Hon'ble Court was applicable to all Institutions as the impugned order itself was directed to be kept in abeyance. The 4<sup>th</sup> Respondent never intended to misuse or take undue advantage of the said order and it was the genuine belief of the Institution that the order is applicable to all as the fee order was issued with respect to all Institutions. It is once again humbly submitted that it was never the intent of the 4<sup>th</sup> Respondent Institution to prejudice or interfere with the administration of justice and the 4<sup>th</sup> Respondent once again reiterates its sincere and unconditional apology for the same.”*



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5. We are now apprised of the fact that the appellant in the Writ Appeals had also joined his Post Graduation in some of the Medical College and is pursuing his course therein. We are inclined to accept the explanation rendered by the respondent herein in his affidavit dated 11.12.2023, wherein he had stated that the action of refund and denial of the seat to the writ appellant was by inadvertence. Consequently, we are inclined to accept the unconditional apology rendered by the respondent herein and the statement that it was never his intention to prejudice or interfere with the administration of justice.

6. In view of the same, no further proceedings are required in the present Contempt Petition. Accordingly, the Suo Motu Criminal Contempt Petition stands closed.

[M.S.R.,J.] [S.M.,J.]  
.03.2024

Index: Yes/No  
Neutral Citation: Yes/No  
Speaking order/Non-speaking order

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**M.S.RAMESH, J.**  
**and**  
**SUNDER MOHAN, J.**

*hvk*

To

The Director,  
Puducherry Institute of Medical Sciences (PIMS),  
Ganapathi Chettikulam,  
Puducherry – 605 014.

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.03.2024