



WEB COPY

W.P.No.33965 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.04.2024

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.33965 of 2023

R.Nivethidha

... Petitioner

Vs.

1.The Registrar,
The Tamil Nadu Dr.M.G.R. Medical University,
No.69, Anna Salai,
Guindy,
Chennai 600 032.

2.The Selection Committee for MBBS and BDS
Directorate of Medical Education,
No.162, Periyar EVR High Road,
Kilpauk, Chennai 600 010.

3.The Principal,
Aadhiparasakthi Dental College and Hospital,
Melmaruvathur 603 319.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records in the order bearing No.Ref:APDCH/Sel Com-Dis Con/2022-2023/02 dated 29.03.2023 passed by respondent No.3 and quashing the same and directing respondent No.3 – College to hand over to the petitioner her original



certificates viz., Transfer Certificate, Secondary School Leaving Certificate, Higher Secondary Course first year mark sheet, Higher Secondary Course second year mark sheet, Community Certificate, Nativity Certificate, Conduct Certificate, Other Backward Class Certificate and Income Certificate.

For Petitioner : Mr.M.Radhakrishnan
For R1 : Mr.A.Mohamed Gouse
For R2 : Mrs.M.Sneha
For R3 : No Appearance

ORDER

The order issued by the 3rd respondent / Aadhiparasakthi Dental College and Hospital demanding discontinuation fee from the petitioner for releasing the original certificates is under challenge in the present writ proceeding.

2. The petitioner admittedly secured admission to BDS course in the 3rd respondent / Dental College during the academic year 2022-2023 through Government quota under the Stray Vacancy Round on 28.12.2020. The petitioner had paid Rs.12,000/- to the 3rd respondent / Dental College



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application and other fees on 28.12.2022 along with the application the petitioner handed over all her original certificates viz., Transfer Certificate, Secondary School Leaving Certificate, Higher Secondary Course first mark sheet, Higher Secondary Course second year mark sheet, Community Certificate, Nativity Certificate, Conduct Certificate, Other Backward Class Certificate and Income Certificate.

3. After paying the application fee, the parents of the petitioner were not in a position to raise funds to meet out the expenditure to pursue the BDS course in the 3rd respondent / College. Thus, the family of the petitioner has taken a decision to admit petitioner to some other course. The father of the petitioner personally visited the 3rd respondent / College on may occasions and requested to return the original documents for pursuing further studies.

4. However, the 3rd respondent had not returned the documents on the ground that the 2nd respondent has to issue a discontinuation certificate and on issuance of such certificate the original certificates will be returned.

5. Mrs.M.Sneha, learned counsel appearing on behalf of the 2nd



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respondent would submit that as per the prospectus, the petitioner has to pay the discontinuation fee of Rs.10,00,000/-. On such payment, the 2nd respondent will issue discontinuation certificate and based on the certificate, the petitioner can collect the original certificate from the 3rd respondent / Dental College.

6. Mr.Radhakrishnan, learned counsel for the petitioner would submit that the petitioner has not even attended one day class in the 3rd respondent / College. She has paid admission fee and their parents found it difficult to mobilise funds for pursuing the BDS course in the 3rd respondent college, which was expensive to the family. Thus, they have taken a decision to join other courses and made a request for return of original certificates to secure admission in some other college.

7. Considering the plight of the petitioner and further considering the family situation of the parents of the petitioner that they are unable to mobilise funds to continue BDS course, this Court is inclined to consider the writ petition.



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8. Further, this Court has considered the mitigating circumstances prevailed in the family of the petitioner and therefore, this case cannot be cited as a precedent for other cases.

7. Accordingly, the 2nd respondent is directed to issue the discontinuation certificate to the petitioner enabling the writ petitioner to get back all her original certificates from the 3rd respondent / Dental College. The said exercise is directed to be completed within a period of two (2) weeks from the date of receipt of copy of this order.

8. With the above directions, this Writ Petition stands allowed. No costs.

04.04.2024
(1/2)

Jeni
Index : Yes
Speaking order
Neutral Citation : Yes



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To

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S.M.SUBRAMANIAM, J.

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