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W.P No.14574 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.08.2025

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THE HONOURABLE MR. JUSTICE C. KUMARAPPAN

Writ Petition No.14574 of 2022

and

Writ Miscellaneous Petition No.13774 of 2022

Dr.S.Vaishalee

... Petitioner

..Vs..

1.The Medical Counselling Committee,
DGHS,
Nirman Bhavan,
Moulana Azad Road,
New Delhi – 110101.

2.Director of Medical Education,
No.156, Poonamallee High Road,
New Bupathy Nagar,
Chetpet, Chennai – 31.

3.The Dean,
Govt Thoothukudi Medical College and Hospital,
Thoothukudi – 8.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Certiorarified Mandamus to call for the records in Na.Ka.No.359/MaKa3/2022, dated 23.05.2022, on the file of the 3rd



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respondent, which was served on the petitioner on 30.05.2022, and quash the same as incompetent, without jurisdiction and further direct the 3rd respondent to issue the relieving order to the petitioner and with compensation of Rs.25 lakhs as damages for harassment, loss of valuable seat, loss of valuable time, disrespectful behaviour towards the petitioner and her father and for misleading the petitioner and further to refund the admission fee Rs.34,700/- + Rs.8000/- in total Rs.42,700/-.

For Petitioner : Mr.R.Sivaprakasam

For Respondents : No appearance for R1

Mrs.M.Sneha, Special Counsel for R2 & 3

ORDER

The present writ petition has been filed to quash the impugned proceedings in Na.Ka.No.359/MaKa3/2022, dated 23.05.2022, on the file of the third respondent.

2. The learned counsel for the petitioner would submit that the petitioner was initially allotted a seat at Tuticorin Medical College. Subsequently, in the special round of counseling, she has opted for a seat in the MD (Psychiatry) course at the Central Institute of Psychiatry, Ranchi, Jharkhand. After obtaining the necessary certificates from Tuticorin Medical



College, the petitioner reported to the Central Institute of Psychiatry, Ranchi.

However, the said institute insisted on the production of a relieving letter from her previous institution. It is further submitted that, according to the Prospectus for the relevant academic year and the applicable MCC Notification, submission of a relieving letter is mandatory when a candidate joins a new institution. Despite the petitioner's decision to pursue the Psychiatry course at Ranchi and the allotment letter issued in her favour on April 3, 2022, the third respondent failed to issue the relieving letter. Though the petitioner had requested the same through an email dated April 7, 2022, no action was taken. Therefore, the petitioner was denied admission at the Central Institute of Psychiatry, Ranchi. Taking undue advantage of this situation, the third respondent issued impugned notice dated May 23, 2022, directing the petitioner either to rejoin duty or to pay damages as per the bond conditions. It is specifically submitted that though the petitioner was very much eager to pursue the Psychiatry Course at Ranchi, but was prevented from doing so solely due to the deliberate inaction of the third respondent in not issuing the relieving letter. Therefore, the very issuance of impugned order is perverse/arbitrary/ unreasonable and liable to be quashed.



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3. At this juncture, the learned Special Counsel would submit that, in respect of PG admissions, there are two rounds of counselling namely Round 1 and Round 2 and thereafter, mop up and stray counseling was also conducted. Candidates who opted seats in the first round of counseling are eligible to participate in the second round of counseling for the purpose of upgradation, however, they are not permitted to participate in the mop up or stray counseling.

4. During the relevant academic year, as a special case, based upon the allotment of 146 new PG seats, candidates who had allotted seats in Round 1 were permitted to participate in a special round of counselling. Only in this special round of counseling, the petitioner was allotted seat at the Central Institute of Psychiatry, Ranchi. Furthermore, according to the notices issued by the Directorate General of Health Services (Medical Counseling Committee) dated 02.04.2022, 06.04.2022, and 07.04.2022, there is no requirement mandating the submission of a relieving letter for joining the newly allotted institution. Therefore, the submission of the petitioner's claim



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that she was unable to join the Ranchi college due to non-issuance of a relieving letter is factually incorrect. It is further submitted that the petitioner had already intended to discontinue the course at the third respondent's institution, and is now raising the issue of the relieving letter merely as an afterthought to justify her actions. Hence, the learned Special Counsel prays to dismiss the Writ Petition.

5. Though the learned Special Counsel would strongly opposed the writ petition, fairly submitted that the seat which was allotted to the petitioner at the third respondent college was subsequently filled by another candidate in the subsequent round of counseling. Therefore, no loss has been caused to the Government.

6.I have given my anxious consideration to either side submissions and also perused the materials available on record.

7. The primordial consideration of executing a bond is to prevent any loss to the Government. In the case on hand, if a seat remains unfilled, then,



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naturally there would be a serious loss to the Government. However, in the case on hand, as fairly submitted by the learned Special Counsel, the seat initially allotted to the petitioner was subsequently filled by another candidate. Therefore, the question of whether a relieving letter was required becomes irrelevant at this stage. Accordingly, this Court is of the firm view that, since the seat vacated by the petitioner was subsequently filled, the demand for the petitioner to rejoin the very same course does not arise. In view of the same, the impugned notice dated 23.05.2022 is liable to be quashed.

8. In the result, the writ petition is partly allowed to that extent. No costs. Consequently, the connected miscellaneous petition stands closed.

21.08.2025

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Index : Yes

Speaking Order : Yes /No

Neutral Citation Case: Yes/No



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C. KUMARAPPAN, J.

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