



WEB COPY



W.A. No. 1512 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.05.2025

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

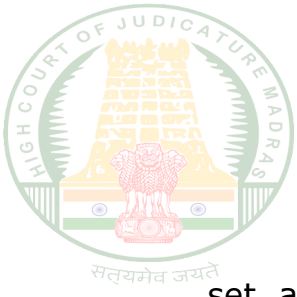
W.A. No. 1512 of 2025

D. Srividhya

Appellant

vs.

1. The State of Tamil Nadu,
Represented by the Principal Secretary to Government,
Health, Medical Education and Family Welfare,
Secretariat, Fort St. George,
Chennai 600 009.
 2. The Commissioner of Indian Medicine and Homeopathy,
Department of Indian Medicine and Homeopathy,
NSK Nagar, Arumbakkam,
Chennai 600 106.
 3. The Principal,
Excel Medical College for Naturopathy and Yoga,
Ranganoor Road,
Komarapalayam, Namakkal District.
- Respondents



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Writ Appeal filed under Clause 15 of the Letter Patent praying to set aside the order passed by the learned Judge in Writ Petition No.17651 of 2024 dated 27.11.2024.

For Appellant

Mr. M.R. Elavarasan

For RR 1 & 2

Mrs. M. Sneha
Special Counsel

For RR 3

Mr. A. Bharathi
for Mr. Kandhan Doraisamy

JUDGMENT

[made by G.R.SWAMINATHAN, J.]

Heard both sides.

2. The appellant belongs to Most Backward Community and her family is having an annual income of a little over one lakh. The appellant joined Bachelor of Naturopathy and Yoga Science Course in the 3rd respondent college in the academic year 2023-24 and had paid a fee of Rs.1,65,000/- for the first year. The appellant states that she could not pay the fee for the remaining years and therefore, she had to abandon the course. All that the appellant wanted was return of her

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original certificates collected by the 3rd respondent at the time of admission.

3. The 3rd respondent pointed out that the appellant had to pay a sum of Rs.1,00,000/- to the account of the 2nd respondent and only thereafter she can collect back her certificates.

4. It is true that such a condition was stipulated in clause 22 of the prospectus, which reads as follows:

"(i) Candidates selected for admission and his/her parent/guardian will have to execute an Agreement Bond as prescribed in Appendix-II. Failure to execute the Agreement Bond will lead to cancellation of selection;

(ii) Candidates who discontinue the course on or after the last cut off date for admission process for the academic session 2023-24 and on any date of the subsequent year are bound by the bond and thereby they shall have to pay a sum of Rs.1,00,000/- (Rupees One Lakh only) as penalty for having breached the contract in the bond by means of Demand Draft drawn in favour of the Director of Indian Medicine and Homoeopathy, Chennai 106 payable at Chennai."



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Pursuant to the said condition, the appellant also executed a bond at the time of admission. Citing the said condition in the prospectus, the learned Single Judge dismissed the Writ Petition filed by the appellant. Challenging the same, the present Writ Appeal has been filed.

5. Learned Special Counsel appearing for the 2nd respondent as well as the counsel for the 3rd respondent submitted that the impugned order does not call for interference and that the appellant is fully bound by the conditions set out in the prospectus and she could not wriggle out of the consequences following thereafter.

6. We consciously refrain from going into the legal aspects of the matter. The facts in hand are truly exceptional. Therefore, we direct the 2nd respondent, who in turn shall instruct the 3rd respondent, to return the appellant's original certificates forthwith without any delay. The order of the Single Judge is set aside. The Writ Appeal is allowed. No costs.

(G.R.S., J.)

(V.L.N., J.)

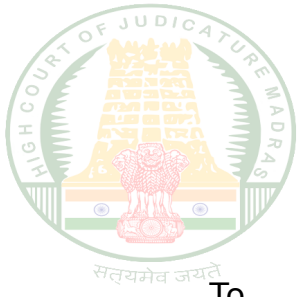
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Index : Yes/No

NC : Yes/No

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G.R.SWAMINATHAN, J.

and

V. LAKSHMINARAYANAN, J.

bga/nsd

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