



W.P. No.39841 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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Dated : 10/1/2025

C O R A M

THE HONOURABLE Mr.JUSTICE VIVEK KUMAR SINGH

W.P. No.39841 of 2024

a n d

W.M.P.Nos.43174 and 43175 of 2024

P.Mohanarajan

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Petitioner

Vs

1. The Deputy Secretary to Government
Health and Family Welfare Department
Secretariat, Fort St. George
Chennai 600 009.
2. The Secretary
Selection Committee
Directorate of Indian Medicine & Homeopathy
Arignar Anna Government Hospital of
Indian Medicine Campus
Arumbakkam
Chennai 600 106.
3. The Principal
Sree Ramakrishna Medical College of
Naturopathy and Yogic Sciences
Kulasekaram
Kanniyakumari 629 161.

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Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of certiorarified mandamus to call for the records relating to the impugned order passed by the second respondent in Na.Ka.No.10219/thi(ma)/va-3/2021 dated 19/6/2024 and first respondent in Letter No.4600/e ma-1-2/2024-1 dated 22/7/2024 and to quash the same and consequently, direct the respondents to return the original certificates of SSLC mark sheet and Transfer Certificate without insisting on the penalty fee of Rs.1,00,000/- and remit Rs.96,000/- which was paid at the time of joining in the third respondent College.

For Petitioner ... Mr.M.R.Dhalapathy Vignesh Kumar

For Respondents ... Mr.E.Sundaram
Government Advocate
for R.1

Mrs.S.Sneha
for R.2
Standing Counsel

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ORDER

This writ petition has been filed to quash the impugned order dated 19/6/2024 passed by the second respondent in Na.Ka.No.10219/thi(ma)/va-3/2021 and first respondent in Letter No.4600/e ma-1-2/2024-1 dated 22/7/2024 and consequently, direct the respondents to return the original certificates of SSLC mark sheet and Transfer Certificate without insisting on the penalty fee of Rs.1,00,000/- and remit Rs.96,000/- which was paid at the time of joining in the third respondent College.

2. The facts of the case in brief are as follows:-

The petitioner was admitted in the third respondent College for the Bachelor of Naturopathy and Yogic Sciences (BNYS) and paid a sum of Rs.96,000/- for the academic year 2023 – 2024. All said and done, the petitioner's father expired on 17/2/2024. Since the petitioner's father was the sole bread winner, the petitioner was not able to continue his studies. When the petitioner and his mother approached the third respondent College, requesting to return the original certificates, Principal of the third respondent College



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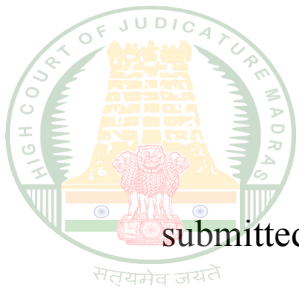
directed the petitioner to pay a sum of Rs.1,00,000/-.

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3. Being aggrieved, the petitioner and his mother approached the Joint Director, Directorate of Indian Medicine & Homeopathy and given a representation dated 6/6/2024 and the same was forwarded to the Government vide, letter dated 19/6/2024. The Deputy Secretary, Health and Family Welfare Department, rejected the plea and directed to take action as per Notification issued by them vide letter dated 22/7/2024. Hence, the petitioner had approached this Court by way of a writ petition.

4. Heard Mr.M.R.Dhalapathy Vignesh Kumar, learned counsel for the petitioner, Mr.E.Sundaram, learned Government Advocate for the first respondent and Mrs.M.Sneha, learned Special Counsel for the second respondent.

5. The learned counsel appearing for the petitioner submitted that now, the petitioner is studying B.Sc (Hotel Management) at Raay Institute of Hotel Management and Catering at Tirupathur. While joining the course, petitioner has not submitted the original certificates and therefore, the Management will not permit the petitioner to write the examination, if certificates are not



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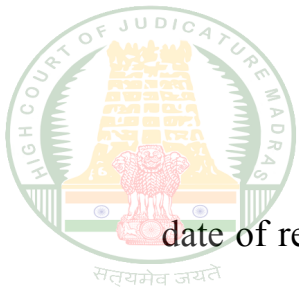
submitted by the petitioner.

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6. Perused the materials available on record.

7. It is not in dispute that within two months of the petitioner's joining the Bachelor of Naturopathy and Yogic Sciences (BNYS), his father passed away. The petitioner has expressed his inability which clearly shows that the petitioner is not in a position to shell out the fees. Considering the plight of the petitioner, this Court has to take a sympathetic consideration of the entire issue while considering the relief sought for by the petitioner. In such a view of the matter, in the interest of justice, this Court invoking its power under Article 226 of the Constitution of India is inclined to set aside the order dated 22/7/2024 passed by the first respondent and the quashment sought for in the order dated 19/6/2024 is merely forwarding of the representation, no quashment arises for the same.

8. In the result, this writ petition is allowed and the impugned order dated 22/7/2024 passed in Letter No.4600/e ma1-2/2024-1 of the first respondent is set aside and the third respondent College is directed to return the original certificates of the petitioner, within a period of two weeks from the



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date of receipt of a copy of this order, without insisting on any discontinuation

fees of Rs.1,00,000/- (Rupees One lakh only) from the petitioner. No costs.

Consequently, connected Miscellaneous Petitions are closed.

10/1/2025

Index : Yes / No

Neutral Citation : Yes / No

mvs.

To

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