



W.P(MD)No.27729 of 2023

W.P.(MD)No.27729 of 2023

P.T. ASHA, J.

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This matter is posted under the caption “for being mentioned” at the instance of the learned counsel for the petitioner.

2. When the matter was taken up for hearing, the learned counsel for the petitioner brought to the notice of this Court that there is an error in paragraph nos.4,9 and 10. Hence, the same is rectified as follows:

“4. The learned counsel for the petitioner further submitted that during the pendency of the Writ Petition, the petitioner was allowed to resign from her seat and further, the seat was filled up in a Special Stray Vacancy counseling that had taken place on 27.11.2023 and the very same seat was allotted to one Dr.K.Ganesh, who is a non-service candidate.

9. Admittedly, it is not in dispute that the petitioner, by securing 430 rank in the State Quota Merit List was selected and was allotted a seat in M.D.General Medicine Course in Government Sivagangai Medical College, Sivagangai. In pursuance to the order passed by this Court on 23.11.2023, she was permitted to resign from her seat at her own risk. Accordingly, she had also resigned her seat. The very same seat was filled by one Dr.K.Ganesh, non-service candidate Doctor under Special Stray Vacancy counseling.

10. It is also not in dispute that since the seat resigned by the petitioner was subsequently, allotted to another candidate under Special Stray Vacancy counseling, there is no loss to the Government Exchequer causing waste of money. Equally, at the same time, the petitioner has also not secured any PG seat, either in the State Government or in All India Quota.”

3. Therefore, the Registry is directed to issue a fresh order copy.

ssa

11.02.2026



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11.02.2026



W.P(MD)No.27729 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.11.2025

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THE HONOURABLE MS.JUSTICE P.T.ASHA

Writ Petition(MD)No.27729 of 2023

and

W.M.P(MD).No.23841 of 2023

Ashika J

.. Petitioner

Vs

1.State of Tamil Nadu,
Rep., by its Principal Secretary,
Health and Family (MCA-1) Department,
Fort St.George, Chennai 600 009.

2.The Director of Medical Education,
Directorate of Medical Education,
Kilpauk, Chennai -600 010.

3.The Selection Committee,
rep., by its Secretary,
Directorate of Medical Education,
162, Peiyar E.V.R.High Road, Kilpauk,
Chennai -500 010.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus to direct the respondents to permit the petitioner to resign/ discontinue from the M.D.General Medicine seat in Government Sivagangai Medical College, Sivagangai allotted to the petitioner in Round No.3 of State Counselling for P.G.Degree courses without payment of discontinuation fees and without forfeiture of security fee and

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tuition fee and consequently, re-introduce the petitioner's seat to the seat matrix for allotment in the Special Stray Vacancy Round of State counseling for P.G.Degree courses 2023.

For Petitioner : Mr.E.Manoharan
For Respondents : Mr.P.T.Thiraviyam
Government Advocate (for R1 & R2)
Ms.Sneha (for R3)

ORDER

The present writ petition is filed seeking a mandamus to direct the respondents to permit the petitioner to resign/ discontinue from the M.D.General Medicine seat in Government Sivagangai Medical College, Sivagangai allotted to the petitioner in Round No.3 of State Counselling for P.G.Degree courses without payment of discontinuation fees and without forfeiture of security fee and tuition fee and consequently, re-introduce the petitioner's seat to the seat matrix for allotment in the Special Stray Vacancy Round of State counseling for P.G.Degree courses 2023.

2.According to the petitioner, she is a qualified MBBS Doctor. In order to pursue her PG course, she appeared for NEET exam in 2023 and secured 430 rank in the State Quota Merit List and upon her participating in the third round of State Counselling for PG course, she was allotted a seat for M.D.General



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Medicine Course in Government Sivagangai Medical College, Sivagangai. She accordingly joined in the said course. However, the petitioner states that she faced with a toxic work environment and she was unable to handle the work pressure, which pushed her into depression. Consequently, she decided to resign her M.D.General Medicine seat in Government Sivagangai Medical College, Sivagangai. In the event of her resignation, she is required to pay discontinuation fee of Rs.15 lakhs and also to forfeit the tuition fee and security fee paid by her. She conveyed her request to allow her to resign M.D.General Medicine seat without penalty and the said seat may be filled under special stray vacancy round. However, the 3rd respondent informed that her resignation will be permitted only with penalty. Hence, the petitioner has filed the present writ petition.

3.It is the case of the petitioner that vide Notification No.U-12021/02/2023~MCC, dated 14.11.2023, the Directorate General of Health Services announced that a Special Stray Vacancy Round will be conducted for the State Quota Seats and All India Quota seats. In view of the said notification, the seat allotted to the petitioner in the 3rd round of counselling shall be sent back to the seat matrix for allotment under Special Stray vacancy, hence there is no loss of seat. When there is no loss of seat, the act of the 3rd



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respondent insisting upon the petitioner to pay penalty for discontinuation of the course and also to forfeit the security fee and tuition fee paid by the petitioner is arbitrary and unsustainable.

4.The learned counsel for the petitioner further submitted that during the pendency of the Writ Petition, the petitioner was allowed to resign from her seat and further, the seat was filled up in a Special Stray Vacancy counseling that had taken place on 27.11.2023 and the very same seat was allotted to one Dr.K.Ganesh, who is a non-service candidate.

5. Further, the petitioner has not obtained any PG seat either in the State Quota or in All India Quota subsequently. However, the petitioner was forced by the 3rd respondent to pay discontinuation fee as penalty and forfeit security deposit and tuition fee, which is arbitrary and illegal. Thus she prayed for appropriate direction.

6. The learned counsel appearing for the 3rd respondent submitted that in the case of *Moder Dental College and Research Centre and others Vs. State of Madhya Pradesh and others*, the Honourable Apex Court had observed that the States have exclusive power to legislate with respect to all aspects of



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education barring determination of standards and coordination by the Parliament i.e. State's rights in regulating medical education is preserved and hence, the State has every right to define and prescribe the admission, selection and counseling process in its quota of seats and there is no law/act which curtails this right. Hence, the prospectus released by the Secretary, Selection Committee, Directorate of Medical Education is well within the purview of the State Government.

7.He would further submit that the petitioner having been allotted a seat in round 2 wanted to retain the said seat in round 3. Further, the State has permitted resignation twice, firstly on 01.09.2023 in the second round of counselling, and another on 29.09.2023 in the third round of counselling. Without availing such benefit extended to the petitioner twice, the petitioner discontinued the course on 22.11.2023 at the end of Special Stray Vacancy counseling. The petitioner could have resigned her seat prior to her decision of discontinuing, but she did so at a much later date. The petitioner very well knows that after second round, there will be forfeiture of processing fee, security deposit, tuition fee paid by them and the candidates have to pay the penalty amount as mentioned in clause 26(iv) of the prospectus. Therefore, at this belated stage, the relief sought by the petitioner cannot be granted. Stating



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so, she prays for dismissal of the writ petition.

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8. Heard both sides and perused the materials available on record.

9. Admittedly, it is not in dispute that the petitioner, by securing 430 rank in the State Quota Merit list was selected and was allotted a seat in M.D.General Medicine Course in Government Sivagangai Medical College, Sivagangai. In pursuance to the order passed by this Court on 23.11.2023, she was permitted to resign from her seat at her own risk. Accordingly, she had also resigned her seat. The very same seat was filled by one Dr.K.Ganesh, non-service candidate Doctor under Special Stray Vacancy counseling.

10. It is also not in dispute that since the seat resigned by the petitioner was subsequently, allotted to another candidate under Special Stray Vacancy counseling, there is no loss to the Government Exchequer causing waste of money. Equally, at the same time, the petitioner has also not secured any PG seat, either in the State Government or in All India Quota.

11. In view of the above, since the seat resigned by the petitioner was not kept vacant and the same was filled up with a qualified candidate, there is



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no loss to the Government Exchequer. Hence, there is no need for payment of any discontinuation fee. However, whatever amount already paid by the petitioner cannot be refunded by the respondents. The petitioner is not entitled for refund any amount already paid by her. At the same time, the respondents are directed not to demand Rs.15 lakhs as discontinuation fees. The respondents are directed to return all the original certificates of the petitioner to her within a period of one week from the date of receipt of a copy of this order.

12. With the above directions, this Writ Petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

14.11.2025

NCC : Yes/No
Index : Yes/No
Internet: Yes
Rmk



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To

1.The Principal Secretary,
Health and Family (MCA-1) Department,
Fort St.George, Chennai 600 009.

2.The Director of Medical Education,
Directorate of Medical Education,
Kilpauk, Chennai -600 010.

3.The Selection Committee,
rep., by its Secretary,
Directorate of Medical Education,
162, Peiyar E.V.R.High Road, Kilpauk,
Chennai -500 010.



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