



W.P.No.12180 of 2024

W.P.No.12180 of 2024
and
W.M.P.No.13274 of 2024

D.BHARATHA CHAKRAVARTHY, J.

Today, this matter is listed under the caption 'for being mentioned' at the instance of the learned counsel for the petitioner.

2. It is brought to the notice of this Court that the 2nd and 3rd respondents' counsel name have been wrongly mentioned as “Mr.G.Arumugam” and “Mr.Haja Mohideen Gisti” respectively instead of “Mr.A.Mohamed Gouse” and “M/s.Subramanian Vaidyanathan” of the order dated 02.01.2026 passed by this Court in the main Writ Petition.

3. This Court having verified the same from the records and convinced that there is typographical error in mentioning the date as observed above.

4. In the light of the above, Registry shall incorporate the name of “M/s.Subramanian Vaidyanathan” for respondent No.3 and “Mr.A.Mohamed Gouse” for respondent No.2 of the order dated 02.01.2026 by deleting the name of the existing counsel name in the



W.P.No.12180 of 2024

present Writ Petition. Except the same, all other aspects shall remain intact.

5. Registry is directed to make necessary correction and issue a fresh order copy in the main writ petition at the earliest.

29.01.2026

jd



WEB COPY



W.P.No.12180 of 2024

D.BHARATHA CHAKRAVARTHY, J.

jd

W.P.No.12180 of 2024

29.01.2026



W.P.No.12180 of 2024

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.01.2026

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.12180 of 2024
and W.M.P.No.13274 of 2024

K.S.R.Shrisharharasi

.. Petitioner

Versus

1. Adhiparasakthi Dental College & Hospital,
Affiliated to the Tamil Nadu Dr.M.G.R. Medical
University,
GST Road, Melmaruvathur – 603 319,
Chengalpattu District,
Tamil Nadu, India.
Rep. by its Principal
2. The Tamil Nadu Dr.M.G.R.
Medical University,
No.69, Anna Salai, Rd, Guindy,
Chennai, Tamil Nadu – 600 032,
Rep. by its Registrar
3. Dental Council of India,
Aiwan-E-Galib Marg,
Kotla Road, Temple Lane,
Opp. Mata Sundari College for Women,
New Delhi – 110 002, India.
4. Directorate of Medical Education,
Rep. by its Director,



W.P.No.12180 of 2024

No.162, EVR Periyar Salai,
Kilpauk, Chennai – 600 010.

WEB COPY

5. The State of Tamil Nadu,
Health and Family Welfare Department,
Rep. by its Secretary,
Fort St. George,
Chennai – 600 009.

.. Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India seeking a Writ of Certiorari, to call for the records of the G.O.(Ms) No.210 by Health and Family Welfare Department, dated 04.06.2018 on the file of the 5th respondent and quash the same as illegal and arbitrary; (ii) to direct the 1st respondent which is affiliated to the 2nd respondent University under the 3rd and 4th respondents to return the original documents, certificates, and marksheets etc., which were handed over to the 1st respondent upon the admission into the BDS course by the petitioner, at the time of her admission to the course on 12.09.2018, by waving the penalty of Rs.10,00,000/- as per the clause 20 of prospectus of the 4th respondent that is issued under the G.O.(Ms).No.210, Health and Family Welfare Department, dated 04.06.2018 by the 5th respondent that “*The candidates who discontinue the course after the cut-off date should pay the discontinuation fee of Rs.10,00,000/- by means of Demand Draft drawn in favour of ‘The Secretary, Selection Committee, Kilpauk, Chennai – 10’ payable at Chennai*”; (iii) to direct the 4th respondent to issue an order to allow the petitioner K.S.R.Shrisharharasi having Regn. No.541813567 to discontinue from the 1st respondent College in the course of B.D.S.

For Petitioner : Mr.S.Shyam Kumar



WEB COPY



W.P.No.12180 of 2024

For Respondents : Mr.A.S.Balaji, for R1
: Mr.G.Arumugam,
Standing Counsel for R2
: Mr.Haja Mohideen Gisti,
Standing Counsel, for R3
: Mr.E.Sundaram,
Government Advocate,
for RR-4 and 5

ORDER

This Writ Petition is filed with a prayer to call for the records in respect of G.O.(MS).No.210 by Health and Family Welfare Department, dated 04.06.2018 and to quash the same and consequently, to return the marksheets and other documents of the petitioner, handed over to the first respondent at the time of admission into B.D.S., course by the petitioner at the time of her admission, by waiving the penalty of Rs.10,00,000/- as per Clause-20 of the prospectus and as per the aforementioned Government Order and also to permit the petitioner to discontinue the course.

2. When the matter is taken up for hearing, it is submitted on behalf of the first respondent that all the certificates of the petitioner were handed over and she has been permitted to discontinue the course. However, the grievance that is remaining that of the petitioner is the



W.P.No.12180 of 2024

liability to pay a sum of Rs.10,00,000/- under the Government Order impugned in the Writ Petition.

3. As per the Government Order, if any candidate discontinues the course after the last date of admission, they have to pay a sum of Rs.10,00,000/-. The learned Counsel only pleads that only pursuant to the personal circumstances of the petitioner, the petitioner could not continue the course as she was not in a position to pay even the fee. For the petitioner's poverty, not being able to pay the fee, the petitioner should not be mulcted with another liability of a sum of Rs.10,00,000/-. Therefore, she challenges the Government Order.

4. I have considered the submissions made by the learned Counsel for the petitioner and also heard the learned Counsel for the respondents.

5. For the personal circumstances pleaded by the petitioner, the Government Order cannot be set aside. After joining the course, especially, when the seats are considered to be the resource of the nation, if a candidate discontinues after the last date, naturally, a bond is imposed to



W.P.No.12180 of 2024

pay the penalty amount. However, in this case, the personal details of the petitioner are given in the affidavit. It is stated that the father of the petitioner passed away on 11.05.2017, on account of which, the petitioner's mental condition was devastated. In spite of the same, since her father was nurturing the dream of the petitioner becoming a Doctor, the petitioner studied hard and appeared for the NEET examination for the year 2018 and was able to secure a seat in the management quota. For the first year, the petitioner's mother also availed a loan and made a payment of Rs.2,50,000/- while the total fee was Rs.3,50,000/-. The petitioner was very much depressed on account of the fact that the mother was finding it extremely hard to pay the balance of Rs.1,00,000/- for the first year. Under the said situation, she also failed in two subjects in the first year examination and therefore, she was required to pay an additional fee of Rs.50,000/-.

6. One of the relatives of the petitioner namely, *Raja*, came forward to help the petitioner by arranging the funds and so that the petitioner can continue the course. Unfortunately, the said *Raja* also died on account of COVID-19 pandemic. The only support to the petitioner, that is her grandfather, also died on account of COVID-19 pandemic. For



W.P.No.12180 of 2024

all the above said reasons, the petitioner has discontinued as the mother is working in a private school and is earning a very meager salary. Thus, from the narration of the facts, subject to verification, appears to be deserving. The petitioner seems to have discontinued the course only because she did not have the money and for that, now, the result is that she has to pay another Rs.10,00,000/- by way of penalty. Had the petitioner possessed the portion of the money, she would have continued the course as well. That being so, for the above, the scheme of the Government cannot be found fault with as it is framed with a noble purpose of discouraging the students from joining the course only to discontinue. Since the scheme itself is framed by the Government, it is only the Government that can waive the same even if there is any extraordinary circumstance.

7. Considering the extraordinary circumstance, now, the petitioner has been given the certificates. If only the respondents initiate any further recovery proceedings, at that point of time, it will be open for the petitioner to make a detailed representation to the Government, namely, the fifth respondent by bringing the above facts in detail along with proof thereof and the fifth respondent shall consider the same and



W.P.No.12180 of 2024

pass orders thereon.

WEB COPY

8. With the above said liberty kept open to the petitioner, this Writ Petition stands disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

02.01.2026

Neutral Citation : no
grs

To

1. The Principal,
Adhiparasakthi Dental College & Hospital,
Affiliated to the Tamil Nadu Dr.M.G.R. Medical
University,
GST Road, Melmaruvathur – 603 319,
Chengalpattu District,
Tamil Nadu, India.
2. The Registrar,
The Tamil Nadu Dr.M.G.R.
Medical University,
No.69, Anna Salai, Rd, Guindy,
Chennai, Tamil Nadu – 600 032.
3. Dental Council of India,
Aiwan-E-Galib Marg,
Kotla Road, Temple Lane,
Opp. Mata Sundari College for Women,
New Delhi – 110 002, India.



W.P.No.12180 of 2024

4. The Director,
Directorate of Medical Education,
No.162, EVR Periyar Salai,
Kilpauk, Chennai – 600 010.

5. The Secretary,
Health and Family Welfare Department,
The State of Tamil Nadu,
Fort St. George,
Chennai – 600 009.



WEB COPY



W.P.No.12180 of 2024

D.BHARATHA CHAKRAVARTHY, J.

grs

W.P.No.12180 of 2024
and W.M.P.No.13274 of 2024

02.01.2026