



WEB COPY

WP No. 6523 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 01-04-2026**

CORAM

**THE HON'BLE MR JUSTICE M.DHANDAPANI**

**WP No. 6523 of 2026**

**and W.M.P.Nos.7104, 7105 & 12776 of 2026**

S.M.Asika Amena

..Petitioner(s)

Vs

1. State Of Tamil Nadu,  
Rep. by this Principal Secretary to Government  
Health and Family Welfare Department,  
Fort St. George,  
Chennai - 600 009.
2. Directorate of Medical Education and Research,  
No.162, E.V.R. High Road, Kilpauk,  
Chennai -600 010.
3. PSG Institute of Medical Sciences and  
Research,  
Peelamedu,  
Coimbatore -641 004.
4. National Medical Commission,  
Pocket -14, Sector -8,  
Dwarka Phase -1,  
New Delhi -110 077

..Respondent(s)

**Prayer :** Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus to call for the records of the 2nd respondent in his proceedings L.Dis. No.093477 /ME/2/2/ 2025 dated 29.10.2025 and to quash the same as being illegal and unsustainable in law and for a consequential direction to the respondents 1 to 3 to relieve the petitioner from the M.S. General Surgery course and to return all her original certificates



submitted at the time of admission, without insisting upon payment of the discontinuance fees as stipulated under Clause 24(c) of the Prospectus 2024-2025 dated 03.09.2024 issued by the 2nd respondent.

For Petitioner(s): M/s.N.Kavitha Rameshwar

For Respondent(s): Ms.M.Sneha,  
Special Counsel for RR-1 & 2

Mr.Abishek Jenasenar for R-3

Mr.B.Babu Manohar for R-4

### **ORDER**

The present Writ Petition has been filed challenging the impugned proceedings of the 2<sup>nd</sup> respondent dated 29.10.2025, in and by which, the petitioner's request for discontinuance of her M.S.General Surgery Course was rejected.

2. It is the case of the petitioner that she joined the 3<sup>rd</sup> respondent college to pursue M.S.General Surgery Course (2024 Batch) and paid a sum of Rs.26,00,000/- towards tuition fees. Owing to her ill health, she was unable to continue the said course and therefore, submitted a representation to the 3<sup>rd</sup> respondent for discontinuation of the said course with a request for return of original documents. Pursuant thereto, the 2<sup>nd</sup> respondent, by proceedings dated 29.10.2025 rejected the petitioner's request and insisted for payment of a penalty of Rs.15,00,000/- as stipulated under Clause 24(c) of the Prospectus issued by 2<sup>nd</sup> respondent for discontinuance and permitting return of original



certificates. Aggrieved by which, the present Writ Petition has been filed.

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3. When the matter is taken up, learned counsel appearing for the petitioner submitted that the issue involved in the instant Writ Petition is no longer *res integra* squarely covered by the order passed by the Division Bench of this Court in W.A.No.2614 of 2023 dated 24.04.2024 and therefore, prayed that this Writ Petition may be allowed in line with the order passed in W.A.No.2614 of 2023.

4. Learned special counsel appearing for the 2<sup>nd</sup> respondent did not dispute the order passed by the Division Bench of this Court.

5. Learned counsel appearing for the 3<sup>rd</sup> respondent submitted that as per Clause 24(c) of the Prospectus issued by the 2<sup>nd</sup> respondent, the petitioner is liable to pay a penalty of Rs.15,00,000/- towards discontinuing the course. Therefore, the claim of the petitioner seeking to discontinue the course without payment of such penalty is wholly unsustainable. Accordingly, he prayed for dismissal of the Writ Petition.

6. This Court perused the order dated 24.04.2024 in W.A.No.2614 of 2023, wherein in similar circumstances, this Court has passed the following order:-



*“6. The appellant has discontinued the course. Learned Single Judge has directed the respondents to relieve the appellant from the course without insisting on the payment of discontinuation fees and also directed return of the original certificates. However, learned Single Judge has further directed that for a period of six years, the appellant shall not pursue any other degree course.*

*7. The said conditions directing the appellant not to pursue further post graduate course for six years is an onerous one and is not supported by any rules, regulations or prospectus. Clauses 8(a) and (b) as referred to supra only bars a person from applying for two subsequent academic years for any post graduate course.*

*8. In the light of that, we modify the order passed by learned Single Judge de-barring the appellant from pursuing any other degree course for a period of six years. Instead, we direct that the appellant shall be eligible for admission for two subsequent academic years to any post graduate/diploma course.*

*9. The writ appeal as such is partly allowed. There shall be no order as to costs. Consequently, CMP No.22037 of 2023 is closed.*

7. In the light of the aforesaid decision, the writ petition stands allowed and the impugned proceedings dated 29.10.2025 is hereby quashed. Accordingly, the 2<sup>nd</sup> and 3<sup>rd</sup> respondents are directed to relieve the petitioner from the said course without insisting on payment of discontinuation fees and to return the original certificates to the petitioner which were duly submitted by her at the time of admission subject to condition that the petitioner shall not be entitled to pursue any other degree course for a period of two subsequent



academic years. However, it is made clear that, in case of any failure on the part of the petitioner in complying with the said condition would result in payment of discontinuance fee to the 3<sup>rd</sup> respondent as prescribed under the relevant clause with reference to the prospectus issued by the 2<sup>nd</sup> respondent. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

**01-04-2026**

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

NHS

To

1. The Principal Secretary to Government,  
State Of Tamil Nadu,  
Health and Family Welfare Department,  
Fort St. George,  
Chennai - 600 009.
2. Directorate of Medical Education and  
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No.162, E.V.R. High Road, Kilpauk,  
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**M.DHANDAPANI, J.**

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