

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.11.2015

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.17321 of 2015

S. Rathish

... Petitioner

Vs

1. Government of Tamilnadu,
rep. By its Secretary,
Health and Family Welfare (ME)
Department, Secretariat,
Chennai 600 009.
 2. Selection Committee,
Directorate of Medical Education,
Kilpauk, Chennai 600 010.
 3. The Director,
Directorate of Medical Education,
Kilpauk, Chennai 600 010.
 4. Tamilnadu Dr. M.G.R. Medical University,
rep. By its Registrar,
No.69, Anna Salai, Guindy,
Chennai-32.
 5. Dental Council of India,
rep. By its Secretary,
Aiwan-E-Galib Marg,
Kotla Road,
Temple Lane, New Delhi 110 002.
 6. RVS Dental College and Hospital,
rep. By its Principal
Kumaran Kottam Campus,
Kannampalayam, Coimbatore 641 402.
- ... Respondents

[R3 to R6 impleaded as per
Order dated 12.10.2015 in
MP.No.4 & 6 of 2015]

Writ petition filed under 226 of the Constitution of India for issuance of writ of Certiorarified Mandamus to call for the records from the 1st and 2nd respondents relating to the prospectus for admission to MBBS/BDS courses 2015-2016 session and quash the same in so far as clause 6(c) and (d) of the Prospectus for Admission to MBBS/BDS Courses 2015-2016 session, as illegal, arbitrary, vindictive, without jurisdiction and consequently direct the respondents 1 and 2 to consider the petitioner for BDS admission for 2015-2016 also by calling him for counseling as per his rank, grant admission, or in the alternative, direct the respondents 1 to 5 to consider the petitioner for transfer to the BDS seat in the Government Dental College, Chennai or any other place in Tamilnadu remained unfilled in the year 2014-2015.

For Petitioners : Mr.N.G.R. Prasad

For Respondents : Ms. P. Rajalakshmi
Govt Advocate (R1 to R3)
Mr. D.Saravanan (R4)
Mr. S. Seethalakshmi (R5)
Mr. Isaac Mohanlal (R6)

ORDER

Heard Mr.N.G.R.Prasad, learned counsel for the petitioner Ms.P.Rajalakshmi, learned counsel appearing for respondents 1 to 3, Mr.D.Saravanan, learned counsel appearing for 4th respondent, Ms.S.Seethalakshmi, learned counsel appearing for 5th respondent and Mr. Isac Mohanlal, learned counsel appearing for 6th respondent.

2. This writ petition has been filed challenging the prospectus for admission to MBBS/BDS courses 2015-2016 session and quash the same in so far as clause 6(c) and (d) of the Prospectus for Admission to MBBS/BDS Courses 2015-2016 session, as illegal, arbitrary, vindictive, without jurisdiction and consequently direct the respondents 1 and 2 to consider the petitioner for BDS admission for 2015-2016 also by calling him for counseling as per his rank, grant admission, or in the alternative, direct the respondents 1 to 5 to consider the petitioner for transfer to the BDS seat in the Government Dental College, Chennai or any other place in Tamilnadu remained unfilled in the year 2014-2015.

3. This Court, under similar circumstances, had earlier passed an order in W.P.Nos.17612 and 17613 of 2015 on 18.09.2015, wherein, in paragraph 9 , it was stated as follows;

"9. Considering the above, this Court is of the considered view that it is a case where the petitioners being Medical students will have to be given appropriate orders by this Court to enable them to pursue their studies, particularly, when there are available seats with the Government colleges, which are otherwise not likely to be filled up and thus go unfilled. Accordingly, a direction is issued to the respondents 1 and 2 to consider the case of the petitioners and accommodate them either at Stanley Medical College, Chennai or at Coimbatore Medical College, within a period of four weeks from the date of receipt of a copy of this order."

4. Since the petitioner is also coming under the same category and seeking a similar relief and there are vacancies unfilled on date in Government Dental Colleges, this Writ Petition is disposed of with a direction issued to the respondents 1 and 2 to consider the case of the petitioner and accommodate him in any one of the Government Dental Colleges for BDS course within a period of four weeks from the date of receipt of a copy of this order. No costs. Consequently, the connected M.P.Nos.1 to 3 of 2015 are closed.
Msr

Sd/-

Assistant Registrar (CS-III)

/True Copy/

Sub-Assistant Registrar

To

1. The Secretary,
Government of Tamilnadu,
Health and Family Welfare ME)
Department, Secretariat,
Chennai 600 009.
2. The Selection Committee,
Directorate of Medical Education,
Kilpauk, Chennai 600 010.
3. The Director,
Directorate of Medical Education,
Kilpauk, Chennai 600 010.

- 4 The Registrar,
Tamilnadu Dr. M.G.R. Medical University,
No.69, Anna Salai, Guindy,
Chennai-32.
5. The Secretary,
Dental Council of India,
Aiwan-E-Galib Marg,
Kotla Road,
Temple Lane, New Delhi 110 002.

+2 C.Cs to M/s.Row and Reddy, Advocate in SR.NO.62786, 63545

+1 C.C. To M/s.Isaac Mohahlal, Advocate in SR.NO.63271

+1 C.C. To M/s.Pass Associates in SR.NO.63967

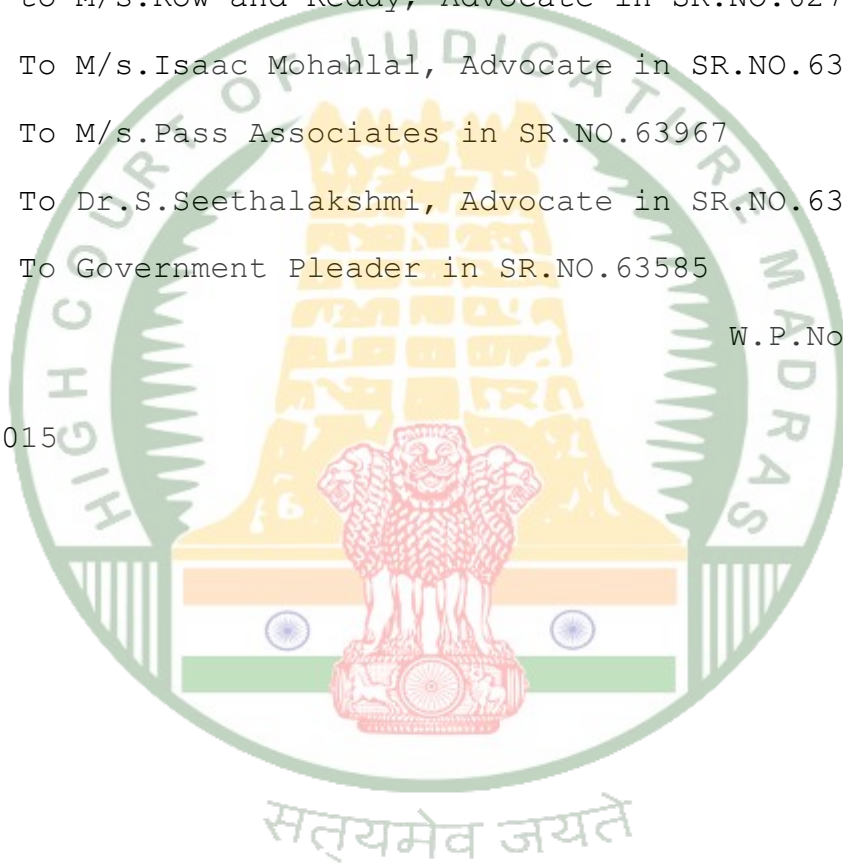
+1 C.C. To Dr.S.Seethalakshmi, Advocate in SR.NO.63676

+1 C.C. To Government Pleader in SR.NO.63585

W.P.No.17321 of 2015

SV(CO)

sd : 11/12/2015



WEB COPY