

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.08.2015

CORAM:

THE HONOURABLE MR. SANJAY KISHAN KAUL, THE CHIEF JUSTICE
AND

THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM

Writ Petition Nos. 25641 to 25648 of 2015

R. Shunmathi, Minor, aged about 17 years
rep. by her Father and Natural Guardian

Mr.K.C.Ravi

No.6/154, Dharmakartha Thootam
Manivilunthan Colony Post
Thalaivasal Via, Attur Taluk
Salem District - 636 112.

... Petitioner in W.P.
Nos.25641 & 25642/2015

S.S. Pathmanaba Swaroopan, Minor,
aged about 17 years

rep. by his Father and Natural Guardian

Mr.V.P. Sathyavaageiswaran

"Sabari", No.264, NGO New Colony
Tirunelveli - 627007.

... Petitioner in W.P.
Nos.25643 & 25644/2015

M. Kabilan, Minor, aged about 17 years
rep. by his Father and Natural Guardian

Mr.C.Murugan

No.5/8, Kamaraj Nagar
Near Ganesha Theater
Uthangarai
Salem District - 636 112.

... Petitioner in W.P.
Nos.25645 & 25648/2015

K. Indhuja, Minor, aged about 17 years
rep. by her Father and Natural Guardian

Mr.K.K. Kumar

No.343-G, Velaval Nagar
Singarapettai Post, Guruhapatti
Krishnagiri District.

... Petitioner in W.P.
Nos.25646 & 25647/2015

vs.

1. The State of Tamil Nadu
Rep. by its Secretary to Government
Health and Family Welfare Department
Fort St. George, Chennai - 600 009.

2. The Selection Committee
Rep. by its Secretary
Directorate of Medical Education
No.162, Periyar E.V.R. High Road
Kilpauk, Chennai - 600 010.

3. The Medical Council of India
Rep. by its Secretary
Pocket 14, Sector 8, Dwarka, Phase-1
New Delhi - 110077.

... Respondents in all WPs

Prayer in W.P.Nos.25641, 25643, 25645 & 25647 of 2015:- Petitions filed under Article 226 of the Constitution of India praying to issue Writ of Declaration to declare that Section 3 of the Tamil Nadu Admission in Professional Educational Institutions Act, 2006 (Act 3 of 2007) is unconstitutional, violative of Article 14 of the Constitution and arbitrary insofar as it states that admission to every Government seat in every professional educational institution shall be made by the appropriate authority on the basis of the marks obtained by a student in the relevant subjects in the qualifying examination without disabling students who have already applied for and admitted and undergoing any one of the professional courses like BDS, B.Pharmacy, B.Sc (Nursing), Veterinary, BPT, BOT, BSMS, BHMS, Engineering, Law, Agriculture from applying for MBBS course in the year 2015-16 notwithstanding their marks in the qualifying exam insofar as additional MBBS seats which may be sanctioned/or surrendered from All India Quota during the Academic year 2015-16 are concerned and consequently forbear the second respondent from calling the students who are undergoing other professional courses for counselling for filling up any additional MBBS seats which may be sanctioned/ or surrendered from All India Quota during the academic year 2015-16 and fill up the additional MBBS seats only with students who passed plus 2 during the academic year 2014-15.

Prayer in W.P.No.25642, 25644, 25646 & 25648 of 2015:-Petition filed under Article 226 of the Constitution of India praying to issue Writ of Declaration to declare clause 6 (c) and (d) of the prospectus of the year 2015-16 issued by the 2nd respondent Selection Committee is invalid, unconstitutional, violative of Article 14 of the

Constitution and arbitrary insofar as it suffers from the vice of under inclusion classification by not including candidates who are already undergoing any one of the Professional Courses like BDS, B.Pharmacy, B.Sc. (Nursing), Veterinary, BPT, BOT, BSMS, BHMS, Engineering, Law, Agriculture along with MBBS students as ineligible to apply for MBBS course during 2015-16 insofar as additional MBBS seats which may be sanctioned/or surrendered from All India Quota during the Academic year 2015-16 are concerned and consequently declare that the admission of students from other professional courses to MBBS course in the academic year 2015-16 as invalid and bad in law insofar as additional MBBS seats which may be sanctioned/or surrendered from All India Quota during the Academic year 2015-16 are concerned.

For Petitioners : Mrs. Nalini Chidambaram, Sr. Counsel
for Ms. C. Uma

For Respondents : Mr. D. Krishnakumar
Spl. Govt. Pleader for R1 & R2
Mr. V.P. Raman for R3

COMMON ORDER

(Made by The Hon'ble The Chief Justice)

In view of our order in Writ Petition Nos. 24366, 24784 and 24785 of 2015, dated 11.08.2015, we are not inclined to entertain these writ petitions. Accordingly, these writ petitions stand dismissed. No costs. Consequently, connected miscellaneous petitions are also dismissed.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

ATR

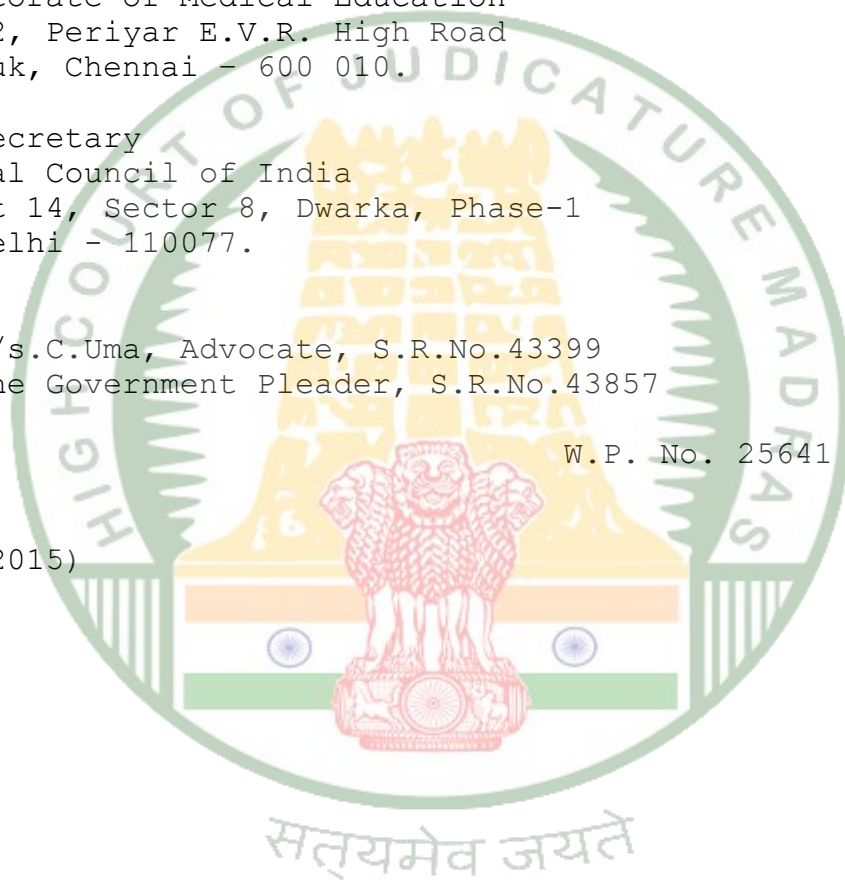
Copies to;

1. The Secretary to Government
State of Tamil Nadu
Health and Family Welfare Department
Fort St. George
Chennai - 600 009.
2. The Secretary
Selection Committee
Directorate of Medical Education
No.162, Periyar E.V.R. High Road
Kilpauk, Chennai - 600 010.
3. The Secretary
Medical Council of India
Pocket 14, Sector 8, Dwarka, Phase-1
New Delhi - 110077.

+1cc to M/s.C.Uma, Advocate, S.R.No.43399
+1cc to the Government Pleader, S.R.No.43857

W.P. No. 25641 to 25648 of 2015

NM(CO)
CA(04/09/2015)



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