



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.10.2015

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THE HONOURABLE MR.JUSTICE T.RAJA

W.P. (MD) No.17409 of 2015

AND MP (MD) .No.1 OF 2015

Minor Haris Raj

Rep. By his Mother and Natural Guardian

N.Selva Roja

... Petitioner

Vs.

1.The Secretary to Government of Tamil Nadu,
Health & Family Welfare Department,
Chennai - 600 009.

2.The Selection Committee,
Represented by its Secretary,
Director of Medical Education,
Kilpauk, Chennai - 600 010

3.The Medical Council of India,
Represented by the Secretary,
Pocket - 14, Sector - 8, Dwaraka Phase - I,
New Delhi - 110077.

4.The Registry,
MGR Medical University,
Chennai - 600 085.

5.The Special Officer,
Committee to Regulate - Monitor the Admission of
Students to Professional Course by Self Financing,
Professional, Arts & Science Colleges,
F-1, DOTE Staff Courses, Guindy,
Chennai 600 025.

6.The Secretary,
Tamil Nadu Self Financing Medical College Association (TNSFMCA),
No. 1-A, Chari Street, North Usman Road,
T.Nagar, Chennai 17.

7. The Dean,
~~Velammal Medical College,~~
Velammal Village, Madurai.



8.The Dean,
Chennai Medical College,
Trichirappalli - 621 105.

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9. The Dean,
Tagore Medical College,
Rathinamangalam,
Melakottaiyur Post,
Chennai 127.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents 6 to 9 to admit the son of the petitioner, Minor N.Haraish Raj in MBBS Course for the academic year 2015-2016 in any one of the respondents 7 - 9 college and pass such further or other orders as this Court may deem fit and proper.

For Petitioner	... Mr. N.Sathish Babu
For R1 & R2	... Mr.R.Anandaraj Government Advocate
For R3	... Mr.P.Mahendran
For R4	... Mr.C.Karthick
For R5	... No appearance
For R6	... Mr.V.Vasanth Kumar
For R7	... Mr.R.Prabhakaran
For R8	... No appearance

O R D E R

This Writ Petition has been filed by Minor Haris Raj represented by his mother and natural Guardian N.Selvaroja seeking issuance of writ of mandamus directing the respondents 6 to 9 to admit the son of the petitioner, Minor N.Haraish Raj in MBBS Course for the academic year 2015-2016 in any one of the respondents 7 - 9 College.

2. By consent, this Writ Petition is taken up for final disposal at the admission itself.

3. Heard the learned counsel for the petitioner and the learned counsel appearing for the respondents 1 and 2, the third respondent, the fourth respondent, the seventh respondent and the sixth respondent.

4. The learned counsel for the petitioner would submit that the petitioner's son has passed Higher Secondary Examination in the academic year 2013-14 by securing 1132 marks and he decided to appear for MBBS Course in the Tamil Nadu Self Financing Medical College. Accordingly, the petitioner has approached the sixth respondent and obtained application form and sent the filled OMR



application vide number 1811 to the sixth respondent, who is the competent authority along with the authority appointed by the Government for selection of candidate. Since the petitioner's son has sent all the necessary documents supporting his claim with requisite fee, he was waiting for better result from the sixth respondent. As per the prospectus issued by the sixth respondent, the rank list has to be published on 20.09.2015, but, the sixth respondent has failed to do so and the rank list has not been published either in the website maintained by the sixth respondent or in any mode as envisaged. The petitioner approached the sixth respondent on 21st September 2015 to know the status of the admission process, but to his utmost shock and surprise, the office of the sixth respondent remained closed without any intimation.

5. In view of the above facts and circumstances as given to this Court this Court appreciating the last minute urgency placed by the petitioner, issued short notice to the sixth respondent and has given a direction to release the rank list forthwith on production of the order copy stating that if the petitioner's name is found place in the rank list, the sixth respondent should grant admission to the petitioner in MBBS degree Course in one of the 12 colleges under them.

6. Carrying the said order, the petitioner approached the sixth respondent, who also issued a letter dated 29.09.2015 asking the management of Velammal Medical College, Madurai to grant admission on receipt of the said letter. The petitioner immediately took out a Demand Draft for a sum of Rs.2,50,000/- in favour of the seventh respondent. However the seventh respondent disowned his liability and refused to admit the petitioner. Further, he would submit that the sixth respondent joining hands with the seventh respondent formed one group and refused to give admission to the petitioner although he has secured more than cut off mark - 190. On this basis, he prays for allowing this writ petition.

7. A detailed counter affidavit has been filed by the sixth respondent and the seventh respondent also.

8. Learned counsel appearing for the seventh respondent submitted that the sixth respondent released the rank list on 20.09.2015 as per the prospectus, wherein it is shown that the petitioner, who belongs to BC category, was also placed at Sl.No.358. Although the admission started on the date of publication of the rank list, the petitioner never took any steps to approach the 7th respondent at any time between 20.09.2015 and 27.09.2015. Also, the sanctioned intake of the students for Medical Course on merits being 97 and the management quota being 53 seats, till the last date of admission namely 27.09.2015, the



seventh respondent has filled up all the seats, therefore, the claim of the petitioner that the sixth respondent did not publish the merit rank list is utter falsehood. In any event, since the cut-off date fixed by the Hon'ble Supreme Court namely 30.09.2015 is already over, no more admission can be made as against the dictum laid down by the Hon'ble Apex Court.

9. The learned counsel for the sixth respondent submitted that the averments mentioning in the affidavit is far from acceptance. The sixth respondent published the result on 20.09.2015 as per the schedule given in the prospectus. As a matter of fact, the counter affidavit of the sixth respondent clearly indicates that the result was originally uploaded on 20.09.2015 at 1.44 a.m. Since the petitioner has not taken any steps to type the relevant particulars in the sixth respondent's website, most probably, the petitioner had failed to notice when his rank was published in 358th place based on communal reservation-BC. Adding further, he would submit that the result published by the sixth respondent on 20.09.2015 is still available in the website. Therefore, it is not open to the petitioner to say that the sixth respondent joining hands with the seventh respondent failed to publish the result.

10. The learned counsel for the seventh respondent also would submit that only after publication of the result by the sixth respondent on 20.09.2015 as per the schedule given in the prospectus, the other candidates, who secured the requisite cut off mark, have approached the seventh respondent before 27.09.2015 and they were all admitted. Finally, no seat is available since all the candidates who approached the seventh respondent between 20.09.2015 till 27.09.2015 have been given admission.

11. In support of his submission, the learned counsel for the sixth respondent has also produced the proof of publication of result on 20.09.2015. A perusal of the same shows that the results have been timely published by the sixth respondent on 20.09.2015 as per the schedule given in the prospectus, but no sign of taking any step to get admission by the petitioner before 27.09.2015 has been shown to this Court. Therefore, this Court is not able to find any merit in the writ petition and as the petitioner has not worked out his remedy immediately as per the time schedule given in the prospectus, no relief whatsoever can be given. That apart, as per the repeated directions issued by the Hon'ble Supreme Court holding that no admission beyond 30.09.2015 can be made to any one of the Self Financing Colleges for MBBS seat, this writ petition fails and the same is dismissed. No costs. Consequently, connected M.P. is closed.

Sd/-

Assistant Registrar



Sub Assistant Registrar

To,

1. Secretary to Government of Tamil Nadu, Health & Family Welfare Department, Chennai - 600 009.

2. The Selection Committee, Represented by its Secretary, Director of Medical Education, Kilpauk, Chennai - 600 010

3. The Medical Council of India, Represented by the Secretary, Pocket - 14, Sector - 8, Dwaraka Phase - I, New Delhi - 110077.

4. The Registrar, MGR Medical University, Chennai - 600 085.

5. The Special Officer, Committee to Regulate - Monitor the Admission of Students to Professional Course by Self Financing, Professional, Arts & Science Colleges, F-1, DOTE Staff Courses, Guindy, Chennai 600 025.

6. The Secretary, Tamil Nadu Self Financing Medical College Association (TNSFMCA), No. 1-A, Chari Street, North Usman Road, T. Nagar, Chennai 17.

7. The Dean, Velammal Medical College, Velamman Village, Madurai.

8. The Dean, Chennai Medical College, Trichirappalli - 621 105.

9. The Dean, Tagore Medical College, Rathinamangalam, Melakottaiyur Post, Chennai 127.

+1cc to Mr. N. Sathish Babu, Advocate Sr. No. 62833

+1cc to Mr. C. Karthick, Advocate Sr. No. 62711

+1cc to Mr. R. Prabhakaran, Advocate Sr. No. 63012

+1cc to Mr. V. Vasanthkumar, Advocate Sr. No. 63013

+1cc to Spl. Government Pleader Sr. No. 63142

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W.P. (MD) No. 17409 of 2015
and M.P. (MD) No. 1 of 2015
27.10.2015