

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.09.2016

CORAM :

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE

AND

The Hon'ble MR.JUSTICE R.MAHADEVAN

W.P. No.32630 of 2016

and

WMP.No.28269 of 2016

Z.Saima

... Petitioner

-vs-

1.The Government of Tamil Nadu,
rep. by the Secretary to the Government,
Higher Education Department,
Fort St. George,
Madras-600 009.

2.The Secretary Selection Committee,
162, Periyar EVR High Road,
Kilpauk,
Madras-600 010.

3.Union of India,
rep. by the Secretary to the Government,
Ministry of Law and Justice,
New Delhi.

4.The Medical Council of India,
rep. by Registrar,
New Delhi.

5.Dental Council of India,
Aiwan-e-Galib Marg,
Kotla Road, Temple Lane,
New Delhi-110 002.

6.Dr.MGR Medical University,
rep. by its Registrar,
69, Anna Salai, Guindy,
Chennai, Tamil Nadu-600 032.

7.The Deemed University,
Sri Ramachandra Medical College,
rep. by its Registrar,
Ramachandra Nagar, Porur,
Chennai-600 116.

8.PSG Institute of Medical
Sciences and Research,
rep. by its Registrar,
Avinashi Road, Peelamedu,
Coimbatore-641 004.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus to direct the first and second respondents to fill up the Government seats in self-financing colleges by adopting a single window system.

For Petitioner : Mr.V.Raghavachari

For Respondents : Mr.R.Muthukumaraswamy
Advocate General
assisted by
Mr.T.N.Rajagopalan
Spl. G.P. for R1 & R2

O R D E R

(Order of the Court was made by The Hon'ble Chief Justice)

The writ petition seeks writ of mandamus against the first two respondents, State Government to fill up the Government seats in the self-financing Colleges by adopting a single window system.

2. The learned Advocate General appearing for the State submits that single window system has been followed qua Government seats in the self-financing Colleges.

3. At this stage, the learned counsel for the petitioner states that the prayer is no doubt not happily worded, but in paragraphs 10 and 11 of the petition, he has also raised the issue of filling up of seats in the self-financing Colleges other than the Government seats also through a single window system to obviate clash of dates between different Colleges, which would arise, if each College is left to do its own admission process.

4. In so far as the aforesaid aspect is concerned, the learned Advocate General states that the Colleges have done their own admissions, but under the supervision of the Committee known as Justice Abdul Hadi Committee. Thus, it is stated that monitoring has been done.

5. The learned counsel for the petitioner seeks to draw our attention to the order passed by the Hon'ble Supreme Court of India in Contempt Petition (C) No.584 of 2016 in Civil Appeal No.4060 of 2009, dated 22.9.2016 (State of Madhya Pradesh v.

Jainarayan Chouksey and others) to contend that there is a categorical direction that admission to all medical seats would be conducted by centralized counselling only by the State and none else and if any counselling has been done by any College or University and any admission to any medical seat has been given so far, such admission shall stand cancelled forthwith and admission shall be given only as per centralized counselling done by the State Government.

6. In respect of the aforesaid, the learned Advocate General submits that this is in the context of the State of Madhya Pradesh, which has a special Act for the same and in fact, when Maharashtra Government passed an order for centralized counselling, the same has been assailed by the Deemed University before the High Court, it did not succeed and that matter is before the Hon'ble Supreme Court of India today. This plea is based on the fact that the aforesaid order of the Hon'ble Supreme Court of India would be applicable only to the State of Madhya Pradesh.

7. We have recorded the aforesaid, though the same is not the subject matter of the present petition, only so that if some directions are passed by the Hon'ble Supreme Court of India in respect of these medical admissions which are applicable to Tamil Nadu, the State Government should ensure that those directions are complied with.

8. The writ petition is accordingly closed. No costs. Consequently, W.M.P.No.28269 of 2016 is also closed.

Sd/-

Assistant Registrar(V)

//True Copy//

Sub Assistant Registrar

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To

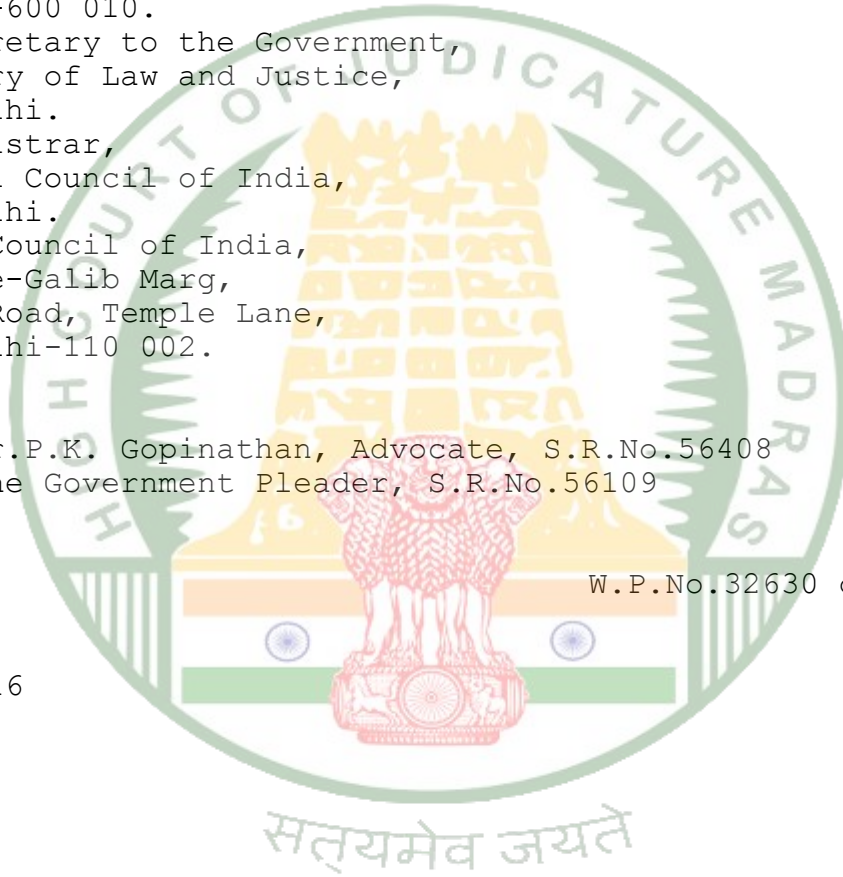
- 1.The Secretary to the Government,
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+1cc to Mr.P.K. Gopinathan, Advocate, S.R.No.56408

+1cc to the Government Pleader, S.R.No.56109

W.P.No.32630 of 2016

KS(CO)
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