

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 24.10.2016

CORAM

THE HONOURABLE MR. JUSTICE B.RAJENDRAN

W.P. Nos.33356, 34485, 33945, 34004 and 34523 of 2016
WMP Nos.28813, 29714, 29297, 29298, 29343, 29344 and 29759 of
2016

Nirmala Thirugnanam .. Petitioner in W.P.No.33356 of 2016

A.Paulraj .. Petitioner in W.P.No.34485 of 2016

Minor S Prashanth .. Petitioner in W.P.No.33945 of 2016
rep by his mother R. Shanthi

V.Shrivika .. Petitioner in W.P.No.34004 of 2016

M. Rithika (Minor) .. Petitioner in W.P.No.34523 of 2016
Rep.by her father & Cruoarelina
Mr. R. Muthukumar

Vs.

- 1.The State of Tamilnadu
Rep. By Secretary to Govt. Health and Family
Welfare Department,
Fort St. George,
Chennai - 600 009
2. The Director,
The Directorate of Medical Education,
Govt. of Tamilnadu,
No.162, E.V.R.Periyar Salai,
Kilpauk, Chennai - 600 010
3. The Secretary,
The Selection committee,
Directorate of Medical Education,
Govt. of Tamilnadu,
No.162, E.V.R.Periyar Salai,
Kilpauk, Chennai - 600 010

4. The President,
The Medical Council of India (MCI)
MCI - Building Pocket - 14,
Sector - 8, Dwarka Phase - I,
New Delhi - 110 077
5. The Director General,
of Health Services Government of India,
Department of Health & Family Welfare
Nirman Bhawan,
New Delhi - 110 011 ... Respondents in W.P.Nos.33356 of 2016
1. The State of Tamilnadu
Rep. By its Principal Secretary,
Health & Welfare Departments
Fort St. George,
Chennai - 600 009
2. The Directorate of Medical Council,
Rep. By Selection committee,
Kilpauk, Chennai - 600 010
3. The Medical Council of India
Represented by its Secretary,
Dwaraka Phase - I
New Delhi - 110 077 ... Respondents in W.P.No.34485 of 2016
1. Medical Counselling Committee
Rep. By its Director General
Ministry of Health and Family Welfare
Nirman Bhavan,
New Delhi
2. The Medical Council of India (MCI)
Rep. By its Secretary
Pocket - 14, Sector - 18,
Dwarka Phase - I,
New Delhi
3. The State of Tamilnadu
Rep. By Secretary to Govt. Health and Family Welfare
Secretariat, Chennai - 9

4. The Selection Committee
rep. By the Director of Medical Education,
Kilpauk, Chennai - 10 .. Respondents in W.P.No.33945 of 2016

1. The Secretary,
The Selection committee,
Directorate of Medical Education,
Chennai - 600 010

2. The Director of Medical Education,
Directorate of Medical Education,
No.162, E.V.R.Periyar Salai,
Kilpauk, Chennai - 600 010

3.The Tamilnadu Dr.M.G.R.Medical
University, 69, Anna salai,
Guindy, Chennai - 600 032

4. The Medical Council of India,
Rep. By its Secretary,
Pocket - 14, Sector- 18
Dwarka Phase - I,
New Delhi .. Respondents in W.P.No.34004 of 2016

1. The Medical Council of India
rep. By its Secretary,
New Delhi - 11

2. The Director,
Directorate of Medical Education,
162, EVR periyar Salai, Kilpauk,
Chennai - 600 010

3. The Secretary,
Selection Committee
Directorate of Medical Education,
162, EVR Periyar Salai, Kilpauk,
Chennai - 600 010 ..Respondents in W.P.No.34523 of 2016

PRAYER in W.P.No.33356 of 2016: Writ Petition has been filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to consider and pass orders on the petitioner's representation dated 16.09.2016 for admission to Government Medical Colleges by calling her daughter for second round of counselling to be conducted from 21st to 24th September, 2016.

PRAYER in W.P.No.34485 of 2016: Writ Petition has been filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 2nd respondent to conduct counselling for admission to MBBS Medical Seat in self aided colleges / universities in the State of Tamilnadu as per the directions of the Hon'ble Supreme Court in I.A.No.83 in C.A.No.4060 of 2009 by including the name of the petitioner's son.

PRAYER in W.P.No.33945 of 2016: Writ Petition has been filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to fill up the 91 seats returned from out of the 15% all India Quota, by following the NEET Merit List with domiciled candidates from Tamilnadu in consonance with the ratio laid down in the Sankalp Charitable Trust case as reported in (2007) 7 SCC 487 and in compliance of the Indian Medical Council (Amendment) Ordinance Act, 2016 dated 24.05.2016.

PRAYER in W.P.No.34004 of 2016: Writ Petition has been filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 1st respondent to reissue a clear notification in compliance of the Supreme Court Guidelines pertaining to filling up of the mandatory 15% quota of All India Medical Seats by calling upon the candidates from the merit list published by the 4th respondent in respect of NEET 2016 Examination and thereafter proceed with revised counselling schedule to be notified and direct the 1st respondent to accommodate me with a seat for MBBS Course in the All India Quota in any of the Medical colleges in the state of Tamilnadu.

PRAYER in W.P.No.34523 of 2016: Writ Petition has been filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to consider the petitioner's representation dated 26.09.2016 and consequently direct the respondents to consider the NEET exam qualified candidates for the State counseling for the surrendered seats of 15% All India Quota for MBBS Course for academic Session 2016-17.
W.P.No.33356 of 2016

For Petitioner : Ms.A.Indirani
For Respondents : Mr.R.Muthukumaraswamy,
Advocate General assisted by
Mr.A.N.Thambidurai
Special Government Pleader

W.P.No.34485 of 2016

For Petitioner : Mr.S.Govindraman
For Respondents : Mr.R.Muthukumaraswamy,
Advocate General assisted by
Mr.A.N.Thambidurai
Special Government Pleader

W.P.No.33945 of 2016

For Petitioner : Mr.Fr.Xavier Arulraj
Senior Counsel

For Respondents : Mr.V.P.Raman for R2
Mr.R.Muthukumaraswamy, for R3 and R4
Advocate General assisted by
Mr.A.N.Thambidurai
Special Government Pleader

W.P.No.34004 of 2016

For Petitioner : Ms.K.Subhashini
For Respondents : Mr.R.Muthukumaraswamy, for R1 and R2
Advocate General assisted by
Mr.A.N.Thambidurai
Special Government Pleader
Mr.V.P.Raman for R4
Mr.P.R.Gopinathan, Senior Counsel for R3

W.P.No.34523 of 2016

For Petitioner : Mr.V.Muthuvelan
For Respondents : Mr.R.Muthukumaraswamy,
Advocate General assisted by
Mr.A.N.Thambidurai
Special Government Pleader

C O M M O N O R D E R

By consent, the Writ Petitions are taken up for disposal at the stage of admission itself. Since the issues involved in the Writ Petitions are one and the same, they are taken up together and a common order is being passed.

2. Heard the learned counsel on the respective sides and perused the materials available on record.

3. Admittedly, the matter relating to medical admission to fill up the seat under All India Quota was pending before the Hon'ble Supreme Court. The Hon'ble Supreme Court, by Order dated 06.10.2016 permitted the Government of Tamil Nadu to fill up the one medical seat as existed by then under the All India Quota. As per the Order of the Hon'ble Supreme Court, this Court passed further orders on 07.10.2016 directing the said one vacancy to be filled up by admitting one of the three Writ Petitioners namely petitioners in WP Nos. 33945, 34004 and 34523 of 2016. Now, two more Writ Petitions which have been filed seeking identical relief namely viz., W.P.Nos.33356 and 34485 of 2016, which were already pending, have also been taken up for consideration by this Court today.

4. Today, when the Writ Petitions are taken up for hearing, it is brought to the notice of this Court that pursuant to the order passed by this Court on 07.10.2016, one among the three writ petitioners mentioned supra has been accommodated in the medical seat under the All India Quota and there is no other vacant seats exist for accommodating any one else. Thus, it is evident that the only one seat under the National quota, which existed by then, has also been filled up by the respondents pursuant to the order of this Court on 07.10.2016 .

5. In view of the same, the relief sought for in these Writ Petitions cannot be granted and hence the Writ Petitions are closed. Consequently, connected Miscellaneous Petitions are closed. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

ssd
To

1. The State of Tamilnadu
Rep. By Secretary to Govt. Health and Family
Welfare Department, Fort St. George,
Chennai - 600 009
2. The Director,
The Directorate of Medical Education,
Govt. of Tamilnadu, No.162, E.V.R. Periyar Salai,
Kilpauk, Chennai - 600 010
3. The Secretary,
The Selection committee,
Directorate of Medical Education,
Govt. of Tamilnadu, No.162, E.V.R. Periyar Salai,
Kilpauk, Chennai - 600 010
4. The President,
The Medical Council of India (MCI)
MCI - Building Pocket - 14,
Sector - 8, Dwarka Phase - I,
New Delhi - 110 077
5. The Director General,
of Health Services Government of India,
Department of Health & Family Welfare
Nirman Bhawan,
New Delhi - 110 011

6 The Secretary
Medical Council of India
New Delhi

7 The Selection Committee
The Directorate of Medical Council
Kilpauk, Chennai 10

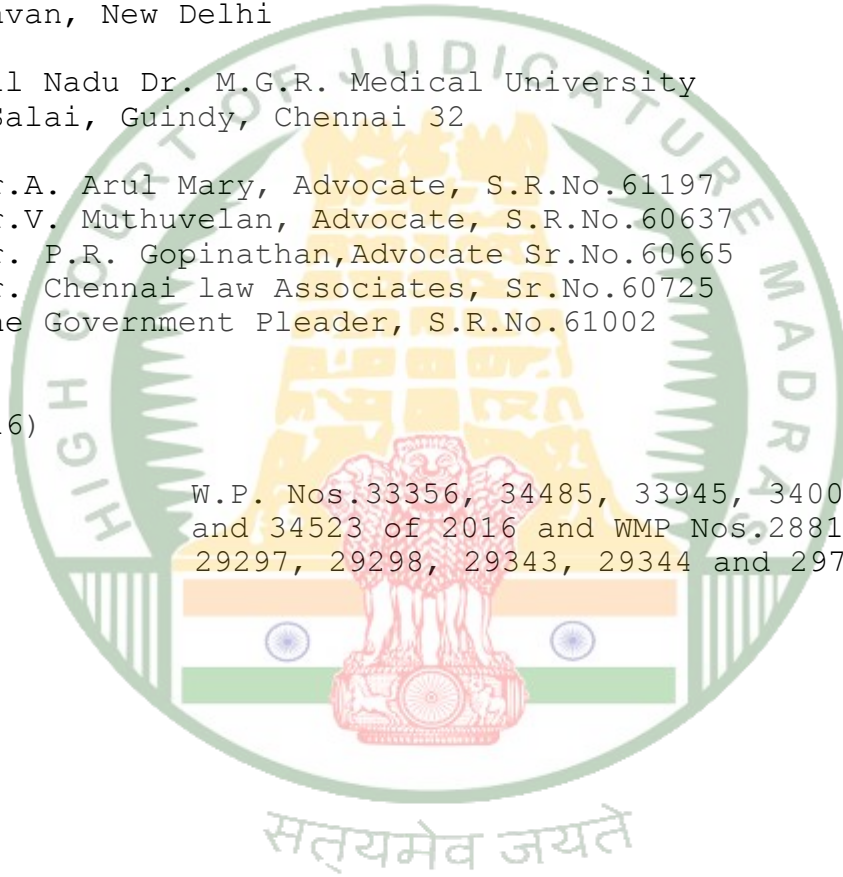
8 The Director General
The Medical Counseling Committee
Ministry of Health and Family Welfare,
Nirmom Bhavan, New Delhi

9 The Tamil Nadu Dr. M.G.R. Medical University
69, Anna Salai, Guindy, Chennai 32

+2cc to Mr.A. Arul Mary, Advocate, S.R.No.61197
+2cc to Mr.V. Muthuvelan, Advocate, S.R.No.60637
+1cc to Mr. P.R. Gopinathan, Advocate Sr.No.60665
+2cc to Mr. Chennai law Associates, Sr.No.60725
+1cc to the Government Pleader, S.R.No.61002

pvs (CO)
md(/10/2016)

W.P. Nos.33356, 34485, 33945, 34004
and 34523 of 2016 and WMP Nos.28813, 29714,
29297, 29298, 29343, 29344 and 29759 of 2016



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