

IN THE HIGH COURT OF JUDICATURE AT MADRAS

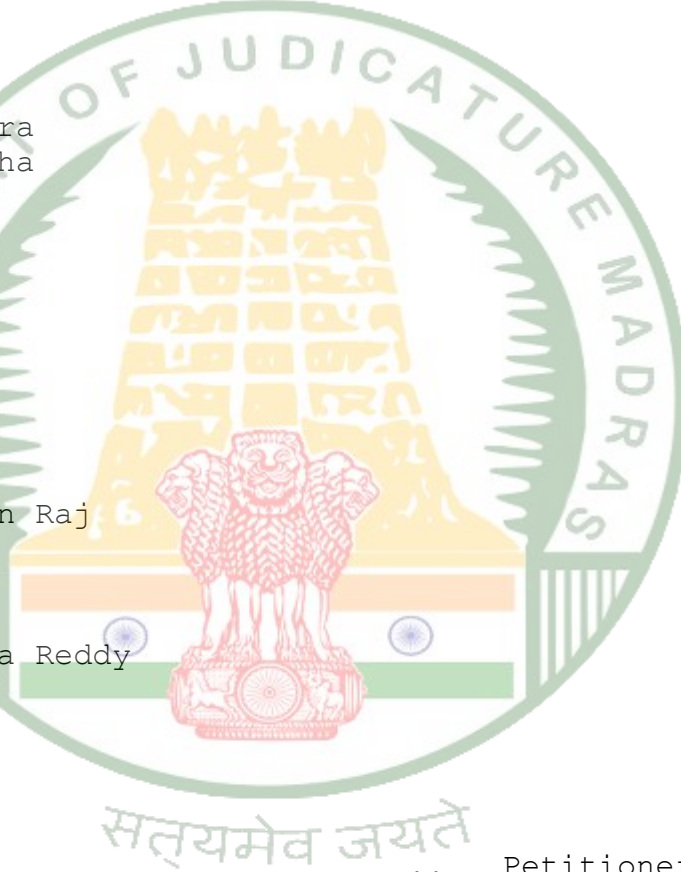
DATED: 17.11.2016

CORAM

THE HONOURABLE MR.JUSTICE B.RAJENDRAN

W.P.No.39463 of 2016
and
W.M.P.No.33748 of 2016

- 1.Girish
- 2.Dr.Punit Paruthy
- 3.Aarati Singh
- 4.Rajeev Kumar Arora
- 5.Subash Chandra Jha
- 6.Dr.Dilip Gupta
- 7.S.C.Marandi
- 8.P.Nergesu Babu
- 9.K.Vishal Kumar
- 10.P.Haneef Khan
- 11.P.Ilangovan
- 12.V.Adimoulame
- 13.M.Tamil Selvan
- 14.T.Parama Raj
- 15.C.Lourdou Edison Raj
- 16.V.Thirumurugan
- 17.C.Vassou
- 18.K.Thirumaran
- 19.P.Murali Krishna Reddy
- 20.Paulachan Iype
- 21.Kunhoyi Atholi
- 22.K.Mohanan
- 23.Pradeep C.C.
- 24.Ajaya Babu
- 25.Tomy



.. Petitioners

-vs-

- 1.Union of India,
rep.by its Secretary,
Ministry of Health and Family Affairs,
New Delhi.

- 2.Medical Council of India,
Pocket-14, Sector 8, Dwarka,
New Delhi-110 077.

- 3.The Hospital Affairs Committee,
rep.by its Chairman,
Director General of Health Services,
Government of India, New Delhi
- 4.The Governing Body
rep.by its Chairman,
Jawaharlal Institute of Post Graduate,
Medical Education and Research (JIPMER),
rep.by its Director,
Pondicherry-605 006.
- 5.The President,
Jawaharlal Institute of Post Graduate,
Medical Education and Research (JIPMER),
Pondicherry-605 006.
- 6.The Director,
Jawaharlal Institute of Post Graduate,
Medical Education and Research (JIPMER),
Pondicherry-605 006.
- 7.The Dean,
Jawaharlal Institute of Post Graduate,
Medical Education and Research (JIPMER),
Pondicherry-605 006.
- 8.The Registrar,
Jawaharlal Institute of Post Graduate,
Medical Education and Research (JIPMER),
Pondicherry-605 006.
- 9.The Co-ordinator,
Jawaharlal Institute of Post Graduate,
Medical Education and Research (JIPMER),
Karaikal Campus, Karaikal. .. Respondents

Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to forbear the respondents from shifting the Karaikal Campus students from JIPMER Puducherry Campus to JIPMER Karaikal Campus till all the required facilities such as Instructional / Infrastructural facilities for establishment of a Medical College in an integrated campus are fulfilled at the Karaikal Campus.

For Petitioners:: Mr.M.Venkatachalapathy,
Sr.Counsel for
Mr.K.R.Ramesh Kumar

For Respondents:: Mr.V.P.Raman for R1 to R3
Mr.M.T.Arunan, Standing Counsel
for R4 to R9

ORDER

This writ petition has been filed for issuance of Writ of Mandamus to forbear the respondents from shifting the Karaikal Campus students from JIPMER, Puducherry Campus to JIPMER Karaikal Campus till all the required facilities such as Instructional / Infrastructural facilities for establishment of a Medical College in an integrated campus are fulfilled at the Karaikal Campus.

2.According to the petitioners, though their wards have been duly selected for Karaikal campus of JIPMER, the facilities which are required for running the college is not at all available in the Karaikal campus. According to them, for the past three months classes are conducted in JIPMER, Puducherry and the respondents are proceeding to shift them to Karaikal campus, without even fulfilling the needs which are required. Therefore, if they are shifted from Puducherry to Karaikal campus, their right for education will be spoiled. It is further stated that with regard to other facilities, especially the hostel facilities are concerned, no where hostel is provided in Karaikal and if they are shifted, they will be put to immense hardship. In respect of infrastructural facilities, it is contended that the minimum requirement of a Medical College is not available. Even according to the Government, still the construction is going on in the Karaikal campus. Under these circumstances, it is not possible for them to go to Karaikal campus and they have to be restored in Puducherry campus, till such time the required facilities are provided.

3.The respondents have filed a detailed counter. As per the counter, they would mainly contend that it has been clearly spelt out that admissions under JIPMER and Karaikal campus are separate entities and even sliding within these two campuses are not allowed. According to the respondents, originally the students had applied for Karaikal campus and they were selected only for Karaikal campus. Having fully satisfied with the infrastructural facilities and having been selected to Karaikal campus, they cannot now say that they will not go to Karaikal campus stating that the infrastructural facilities are not

satisfactory. On a petition filed by the petitioners, the Hon'ble Lt.Governor of Puducherry has forwarded the same to the District Collector of Karaikal and the District Collector, after going through it, has given a detailed report wherein he has stated that sufficient infrastructural facilities are available to conduct classes. It is further stated that even though infrastructural facilities are not in tune with JIPMER, Puducherry, yet facilities available are enough to start classes. Thus, they passed the order to start classes from 15.11.2016. In that view of the matter, the counsel for the respondents would only contend that the students now cannot change their stand. It is also stated that the allotment of seats in Karaikal campus as well as JIPMER, Puducherry campus have been done as per the choice of the students only. It is further submitted that all the basic amenities and facilities which are mandatory for medical college have been provided with high standards. As far as hostel facilities are concerned, it is submitted that they have taken on lease Housing Board flats which is 3 Kms away from the college. Thus, it is submitted that the shifting of the students to Karaikal campus should not be disturbed.

4.Heard the learned counsel on either side and perused the materials available on record.

5.No doubt, the infrastructural facilities in Karaikal definitely cannot be in tune with the JIPMER, Puducherry which is a traditionally running college. For any new start-ups, there will be hiccups, which is also present in Government service. The District Collector was directed by the Lt.Governor to inspect the matter and to find out the possibility of conducting classes, and the District Collector has given his report stating that there are lot of differences between the present status of the buildings / infrastructures provided in the buildings and the averments stated in the petition filed by the petitioners, and though the infrastructural facilities provided is not on par with the facilities available in the JIPMER campus, Puducherry, available infrastructures are found adequate to conduct classes.

6.Therefore, one thing is clear. The selection was made only on the basis of the choice of the students to study at Karaikal. The mere request for a shorter period not to shift them to Karaikal, may not arise at this juncture. The Lt.Governor has asked them to start the classes and the classes have also been started. The District Collector, Karaikal has also pointed out certain deficiencies and such deficiencies should be rectified by the authority concerned. Therefore, the students now cannot say that they want to continue in JIPMER, Puducherry. The District Collector has taken necessary steps for setting up a

proper atmosphere and his fervent submission is that they will take proper action to give all the benefits to the students to see that the students gets the maximum utilities and all other amenities in the college, and the same will be made available to them as expeditiously as possible. It was also made very clear that the safety of the students, especially, girl students will be taken care of so that no untoward incident will occur. The report of the District Collector is accepted and he is directed to implement the steps which are required to be taken, as expeditiously as possible.

7. With the above observations, the writ petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

To

1. The Secretary to Government,
Government of India,
Ministry of Health and Family Affairs,
New Delhi.
2. Medical Council of India,
Pocket-14, Sector 8, Dwarka,
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3. The Chairman,
The Hospital Affairs Committee,
Director General of Health Services,
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Pondicherry-605 006.

9.The Co-ordinator,
Jawaharlal Institute of Post Graduate,
Medical Education and Research (JIPMER),
Karaikal Campus, Karaikal.

+lcc to Mr.K.R. Ramesh Kumar, Advocate, S.R.No.66427
+lcc to Mr.M.T. Arunan, Advocate, S.R.No.67023

ala(CO)
md(24/11/2016)

W.P.No.39463 of 2016 and
W.M.P.No.33748 of 2016

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