

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.12.2016

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THE HONOURABLE MR.JUSTICE B.RAJENDRAN

W.P.No.42883 OF 2016

and

WMP No.36782 of 2016

The Managing Trustee,
Ponnaiyah Ramajayam Institute of Science and
Technology Trust,
Vallam,
Thanjavur District.

... Petitioner

Vs

1. The State of Tamil Nadu
Rep. by its Secretary,
Health and Family Welfare Department,
Fort St. George, Chennai-9.
2. The Secretary,
Medical Council of India,
Pocket 14, Sector -8,
Dwarka Phase- I,
New Delhi-110 077
3. The Registrar
Tamil Nadu Dr.M.G.R. Medical University,
69, Anna Salai,
Guindy, Chennai-32.
4. The Director of Medical Education,
Directorate of Medical Education,
No.162, Periyar EVR High Road,
Kilpauk, Chennai-10.
5. The Secretary,
Selection Committee,
Directorate of Medical Education,
No.162, Periyar EVR High Road,
Kilpauk, Chennai-10.

... Respondents

Prayer : Writ petition filed under Article 226 of the
Constitution of India to call for the records of the impugned
order passed by the 3rd respondent in his proceedings Lr. No.EX1

(3)/58835/2016 dated 14.11.2016 and quash the same and consequently direct the respondents to approve the admission of the 36 students.

For Petitioner : Mr.ARL.Sundaresan,
Senior Counsel
for Mr.K.K.Ramakrishnan

For Respondents : Mr.A.Kumar
Special Government Pleader

O R D E R

This writ petition is filed to quash the impugned order dated 14.11.2016 passed by the third respondent and to direct the respondents to approve the admission of the 36 students.

2.The petitioner Trust is running the institute by name, Ponnaiyah Ramajayam Institute of Science and Technology (PRIST University) and it has been conferred the status of Deemed University by proceedings dated 04.01.2008. The petitioner Trust was authorized to admit 150 students in the MBBS course for the academic year 2016-2017, after the grant of approval from the Ministry of Health and Family Welfare. As per the admission procedure of the Medical Council of India 2016, the petitioner ought to have selected candidates 53 under the management quota to admit the students from the candidates who passed the National Eligibility Examination Test (NEET) conducted by the CBSE Board. The remaining 97 seats allotted to the State Government of Tamil Nadu have to be filled through the counselling conducted by the fifth respondent without NEET qualifications i.e., based on +2 ranking. According to the petitioner, out of 150 seats sanctioned to the petitioner, only 145 seats alone were admitted, out of which, 23 seats admitted under the management quota. Out of 127 state government quota, the Government has allotted only 121 candidates and out of 121, 80 students were reported and 41 students have not reported and hence, 41 seats became lapsed. Out of 41 lapsed seats, 36 was filled under the State Government Counseling lapsed category. However, the impugned order was passed directing the petitioner to discharge the 38 seats. Hence, the writ petition.

3.Learned Senior Counsel appearing for the petitioner contended that as per the norms, 97 seats goes to the government quota and the balance 53 seats are to be filled up under the Management quota. Because of the NEET examination, the petitioner was not in a position to fill up all the 53 seats. The petitioner voluntarily surrendered 30 seats to the government. Thereafter, the government has allotted only 121

seats leaving 6 vacancies. Though 121 candidates were allotted for the college, the petitioner found on 29.09.2016 that only 80 students have joined and remaining 41 students did not join. The petitioner admitted 36 students thereby totaling 36+23=59 students as management quota seats. Their further contention is that as per the earlier judgments of this court as well as the judgment of the Apex Court, seats should not be allowed to go waste for the entire academic year and that the medical council is not ready to interfere with the state management it is between the state and the college. According to them, it is only the state quota which has been filled by by them. Therefore, under law, they are entitled to have admission in this process. Further, they would contend that there is distinction between Government quota and NEET examination. NEET examination is not applicable to the government and therefore, the authority has to take into consideration of admission of these 36 students out of 41 students as government quota seats. However, after 59 candidates, the two candidates have been again rejected since their norms have not been recommended by the judge committee which according to the petitioner, it is not correct. Therefore, the impugned order is liable to be quashed.

3. Heard the learned senior counsel appearing for the petitioner and the learned Special Government appearing for the respondents.

4. When the matter came up for hearing on 29.09.2016, I put a question regarding the number of seats vacant in Tamilnadu then at that point of time, it was submitted that as far as NEET is concerned, since it is not applicable to Tamilnadu, all other seats were also filled and 4 seats vacant and that this court directed to fill up the seats by 30.09.2016. Above all these, before the Supreme Court on 07.10.2016, every state was called for in respect of vacant NEET seats. at that point of time, learned Advocate Attorney General representing the Government has stated that there is only one seat vacant and granted extension of time upto 07.10.2016. At that point of time, this college did not intimate either the Government or the supreme court to say that 41 seats have been relying vacant. They have not stated so either on 29.09.2016 or 30.09.2016. When the matter came before the supreme court, the supreme court have directed to fill up the vacant seats by the government, that has not clearly been done in this case. It is only for the reason best known to the college, the petitioner conveniently made admission on their own benefit, when especially NEET examination will not be applicable in so far as government quota is concerned.

5. According to the learned senior counsel for the petitioner, the college thought it fit since the seats are reiterated by the government, they can admit the students under

the plus two category, however, as per order of the supreme court, no student can be admitted under the plus two marks and they have to be admitted only by their NEET qualification and therefore, this court is of the view that there is clear violation made by the petitioner. Therefore, there is no need to interfere with the impugned order and hence, the writ petition is dismissed. No costs. The connected miscellaneous petition is also dismissed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary,
State of Tamil Nadu
Health and Family Welfare Department,
Fort St. George, Chennai-9.
2. The Secretary,
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Kilpauk, Chennai-10.

+lcc to Mr.K.K.Ramakrishnan, Advocate, S.R.No.72548

W.P.No.42883 of 2016

RSY(CO)
CA(27/02/2017)