



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.09.2016

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Writ Petition(MD)No.17624 of 2016
and W.M.P(MD)No.12729 of 2016

R.K.Kowsika

... Petitioner

Vs.

1. The Administrator,
Medical Council of India,
MCI Building,
Pocket -14, Phase - I, Sector 8, Dwaraka,
New Delhi - 110 077.
2. The Registrar,
Dr.MGR Medical University,
No.69, Anna Salai,
Guindy, Chennai.
3. The Dean,
PSG Institute of Medical Sciences & Research,
Peelamedu,
Coimbatore.
4. The Principal/Dean,
Sree Mookambika Institute of Medical Sciences,
Kulasekaram,
Kanyakumari District.
5. The Principal/Dean,
Ponniah Ramajayam Institute of Medical Sciences,
Manamai - Nallur,
ECR, Chennai - 603 102.
6. The Dean,
Madha Medical College & Research Institute,
Kovur, Chennai.
7. The Dean,
Christian Medical College & Hospital,
Ida Scudder Road, Vellore.
8. The Dean,
<https://hcservices.ecourts.gov.in/hcservices/>
Vellammal Medical College Hospital & Research Institute,
Vellammal Village, Madurai.

... Respondents



Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents 3 to 8 to issue application form for admission of academic year 2016-2017 and consequently direct them to admit the petitioner based on the rank obtained by the petitioner in NEET examination.

For Petitioner : Mr.V.Angusamy
For R - 1 : Mr.P.Mahendran
for Mr.V.P.Raman
For R - 2 : Mr.C.Karthick
For R - 4 : Mr.Isaac Mohanlal
senior counsel for Ms.Abisha Isaac
For R - 7 : Mr.Krishna Srinivasan
for Mr.S.Ramasubramanian
For R - 8 : Mr.Niranjana S.Kumar
For RR 3, 5 & 6: No appearance

ORDER

The petitioner has filed this Writ Petition seeking for issuance of a Writ of Mandamus, directing the respondents 3 to 8 to issue application form for admission of Academic Year 2016-2017 and consequently direct them to admit the petitioner based on the rank obtained by the petitioner in NEET examination.

2.According to the petitioner, she obtained 67% in +2 examination and also secured 62.357995 in NEET examination and she is eligible for counselling under 15% of All India Quota Seats and she is also eligible to apply for MBBS seat in private medical colleges. When she approached the respondents 3 to 8 for issuance of admission, they demanded money from the petitioner. Since, she belongs to a poor family, she was not able to pay the amount and she also sent a representation to the respondents 3 to 8 for issuance of the application and the same was not considered. Hence, she has filed the present Writ Petition.

3.Earlier, notice was ordered to the respondents by this Court on 19.09.2016.

4.Today, when the matter was taken up for hearing, the learned counsel for the respondents 1, 2, 4, 7 and 8 were present and even though notice served on the respondents 3, 5 and 6, none appeared for them.

5.The learned senior counsels appearing for the fourth and seventh respondent submitted that already admissions are over in the Colleges and no more seats are available and further submitted that applications are very much available in on-line and also available with the monitory committee. The petitioner can very well file her application on on-line and she could approach the monitory committee



and obtain the application.

6.The learned senior counsels further submitted that all the applications were available in on-line. The petitioner without applying in on-line has come to this Court in the last moment, when the issuance of the applications in the private college are over, hence, her request need not been considered.

7.The learned senior counsel appearing for the seventh respondent further submitted that the petitioner made some frivolous allegation against the colleges in the affidavit without any proof.

8.On perusal of the affidavit, it is seen that the petitioner made some allegations against the respondent-Colleges without any proof and the act of the petitioner is highly deprecated.

9.I have considered the rival submissions.

10.Since the applications are available in on-line and also available in the monetary committee, if at all the respondent-Colleges refuses to give admission, the petitioner can approach the monetary committee for issuance of application or she could very well apply on-line. Without doing so, at the last moment, when the admissions are over, the petitioner approached this Court by way of filing the present Writ Petition hence the relief sought for by the petitioner cannot be granted at this stage. In the above circumstances, the Writ Petition only deserves to be dismissed.

11.In the result, the Writ Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is also closed.

Sd/-

Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar

- + 2 CC TO Mr.NIRANJAN S.KUMAR, ADVOCATE IN SR No. 58131, 57343
- + 1 CC TO Ms.ABISHA ISAAC, ADVOCATE IN SR No. 57403
- + 1 CC TO Mr.C.KARTHICK, ADVOCATE IN SR No. 57305
- + 1 CC TO Mr.V.ANGUSAMY, ADVOCATE IN SR No. 57198
- + 1 CC TO Mr.S.RAMASUBRAMANIAM & ASSOCIATE, IN SR No. 57095
- + 1 CC TO Mr.V.P.RAMAN, ADVOCATE IN SR No. 57591
- + 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 53923

PS

TE/DB : 21/10/2016 : 3P/9C

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