

HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN
AND
HON'BLE MRS JUSTICE ANIS

Writ Petition No.26123 of 2016

Order: (per V.Ramasubramanian, J.)

The petitioners who joined the first year of the MBBS course in the 6th respondent-College for the academic year 2015-16, have come up with the present writ petition challenging the proceedings of Dr. NTR University of Health Sciences, dated 08-7-2016, cancelling their admissions in view of the finality attached to the orders passed in the proceedings initiated by the 5th respondent-Management.

2. Heard Mr. B.Vijaysen Reddy, learned counsel for the petitioners, Mr. Vivek Chandra Sekhar S., learned counsel for the 3rd respondent-Medical Council of India and Mr. Taddi Nageswara Rao, learned counsel for the 4th respondent-University.

3. The 6th respondent-College was established on the basis of permission granted by the 3rd respondent on 13-7-2010 with a permitted intake of 100 students. It was renewed for the subsequent years on 25-6-2011, 07-3-2013 and 18-9-2014.

4. However, request for renewal of permission for the academic year 2015-16 was rejected by the Medical Council of India (MCI) by order dated 18-3-2015. The college made a detailed representation on 16-4-2015. It was followed by another representation dated 09-5-2015.

5. On the basis of those representations, an inspection was conducted and once again an order of rejection was passed on 09-7-2015. Aggrieved by the said rejection as well as the subsequent orders passed on reconsideration, the college as well

as the society running the college filed a writ petition in W.P.No.9215 of 2015 on the file of the High Court of Delhi. They filed yet another writ petition in W.P.No.31371 of 2015 on the file of this Court.

6. It appears that on 28-9-2015, the management of the college made an endorsement in the writ petition before the Delhi High Court, not pressing the prayer “(a)” in the writ petition. Thereafter, the management also filed a memo before this Court informing this Court about their having taken recourse to a parallel remedy.

7. Eventually, the writ petition before the Delhi High Court was withdrawn on 29-9-2015. This Court dismissed the writ petition W.P.No.31371 of 2015 by an order dated 20-4-2016. As against the said order, the management of the college filed SLP (Civil) No.14355 of 2016. Some of the petitioners in the present writ petition also filed SLP (Civil) No.15166 of 2016. Once the Special Leave Petition filed by the management of the college was dismissed by the Supreme Court, some of the petitioners herein who filed SLP (Civil) No.15166 of 2016 withdrew the same.

8. Thereafter, a petition for review was filed on the file of this Court. The petition for review filed by the management seeking a review of the order passed in W.P.No.31371 of 2015 was dismissed. In the meantime, the students have come up with the present writ petition.

9. The occasion for the students to file the present writ petition is the order passed by Dr. NTR University cancelling their admission. It is relevant to note here that the petitioners gained admission, on the basis of an interim order passed by this Court in

W.P.No.31371 of 2015. Therefore, the moment the writ petition was withdrawn, the admission was liable to be cancelled and the order of the University cannot be found fault with.

10. The matter can be looked at from another angle. In case we allow the present writ petition filed by the students and regularize their admission, the same would tantamount to annulling the effect of the order passed in the writ petition filed by the management which was also confirmed by the Supreme Court. Though the learned counsel for the petitioners contended that the writ petition of the management was not dismissed on merits but dismissed on the short ground that they were guilty of suppression of material facts, we do not think that what this Court wanted to deprive the management, can be indirectly secured by them by setting up the students. Therefore, the present writ petition deserves to meet with the same fate as was met by the writ petition filed by the management. Hence, the writ petition is dismissed. The miscellaneous petitions, if any, pending in this writ petition shall stand closed. No costs.

V.RAMASUBRAMANIAN, J.

ANIS, J.

23rd September, 2016.
Ak

HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN
AND
HON'BLE MRS JUSTICE ANIS

Writ Petition No.26123 of 2016
(per VRS, J.)



23rd September, 2016.
(Ak)