

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.03.2017

CORAM :

The Hon'ble MR.HULUVADI G.RAMESH, ACTING CHIEF JUSTICE

AND

The Hon'ble MR.JUSTICE RMT.TEEKAA RAMAN

W.A.No.321 of 2017

Dhiraj Singh ... Appellant

-vs-

1. The Registrar,
Tamil Nadu Dr.MGR Medical University,
No.69, Anna Salai, Guindy,
Chennai - 600 032.
2. The Medical Council of India,
Pocket-14, Sector-8,
Dwarka Phase-1,
New Delhi - 110 077.
3. The Principal,
Christian Medical College & Hospital,
Ida Scudder Road,
Vellore,
Tamil Nadu - 632 004. ... Respondents

Appeal filed under Clause 15 of Letters Patent against the order dated 29.11.2016 made in W.P.No.36376 of 2016 on the file of this Court to issue a Writ of Mandamus directing the respondents herein to permit the petitioner to join the Counsel D.M.Cardiology in the 3rd respondent College in the academic year 2016/2017.

For Appellant .. Mr.T.Poornam

For Respondents .. Mr.P.R.Gopinathan for R1

Mr.V.P.Raman for R2

Mr.Krishna Srinivas
for M/s.Ramasubramanian
Associates for R3

JUDGMENT

(Judgment of the Court was made by The Hon'ble Acting Chief Justice)

The writ appeal is directed against the order of the learned Single Judge dated 29.11.2016 made in W.P.No.36376 of 2016.

2. Heard the learned counsel for the appellant and the learned counsel appearing for the respondents 1, 2 and 3 respectively.

3. The appellant herein filed the writ petition seeking a direction to the respondents to permit him to join the course of D.M. Cardiology in the third respondent College in the academic year 2016-2017. Admittedly, the appellant was the fourth candidate in the wait list in D.M. Cardiology course. Since the candidates 1 to 3 in the wait list had already joined the course, the next candidate to get admission was the appellant. On 31.8.2016, one candidate who had already been selected, orally informed the third respondent that he was not willing to pursue the course and therefore, one seat fell vacant and it was not filled up.

4. The learned Single Judge taking note of the submissions of both sides and also taking note of the ratio laid down by various High Courts that valuable seats of D.M. Cardiology should not go waste, directed the Medical Council of India to consider the appellant for admission in the D.M. Cardiology course, in the third respondent Institution, within a period of two weeks.

5. Aggrieved by the order of the learned Single Judge in W.P.No.36376 of 2016, the Medical Council of India filed W.A.No.189 of 2017. By judgment dated 07.03.2017, this Court observed as under:-

"9. We are, therefore, of the considered opinion that the order of the learned single Judge has to be upheld. Accordingly, the writ appeal is dismissed. The appellant is directed to grant admission to the first respondent in the third respondent Institution within a period of one week from the date of receipt of a copy of this order. There shall be no order as to costs. Consequently, CMP.Nos.2988 and 3676 of 2017 are closed."

6. Taking through the judgment made in W.A.No.189 of 2017 dated 07.03.2017, the learned counsel appearing for the second and third respondent submit that it is for the third respondent

to admit the appellant and the second respondent to consider approval of the same and accordingly, an order may be passed.

7. In view of the aforesaid submission, the third respondent is directed to admit the appellant and the second respondent to consider approval of the same within a period of one week from the date of receipt of a copy of this judgment. It is made clear that it is for the appellant to fulfill the attendance and other conditions required to complete the course.

8. The writ appeal, accordingly stands disposed of, leaving the parties to bear their own costs.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

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To

1. The Registrar,
Tamil Nadu Dr.MGR Medical University,
No.69, Anna Salai, Guindy,
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Dwarka Phase-1,
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3. The Principal,
Christian Medical College & Hospital,
Ida Scudder Road,
Vellore,
Tamil Nadu - 632 004.

+1cc to M/s.S.Raghunathan, Advocate SR.No.19153
+1cc to M/s.V.P.Raman, Advocate SR.No.19128
+1cc to M/s.S.Ramesubramaniam, Advocate SR.No.19075

W.A.No.321 of 2017

NRI (CO)
GN(10/04/2017)