

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : **24.08.2017**

Coram

The Honourable **Mr.Justice RAJIV SHAKDHER**

and

The Honourable **Mr.Justice ABDUL QUDDHOSE**

Writ Appeal Nos.996 & 997 of 2017
and C.M.P.Nos.13964 & 13965 of 2017

W.A.No.996 of 2017

N.Lakshana Shree

... Appellant

Vs.

- 1 Union Territory of Puducherry
Rep the Secretary to Government Health
Department O/o The Chief Secretariat
Puducherry- 605 001.
- 2 The Secretary to Government
Higher Education Department O/o. the Chief
Secretariat Puducherry- 605 001.
- 3 The Director of Health &
Family Welfare Department & Nodal Officer
State Medical Education Directorate for
Union Territory of Puducherry Puducherry-
605 001
- 4 Sri Venkateswara medical
College Hospital & Research Centre (SVMCH)
Rep by Managing Director Ariyur Puducherry

- 5 Sri Manakula Vinayakar
Medical College & Hospital (SMVMCH)
Madagadipet Rep by Managing Director
Puducherry
- 6 Pondicherry Institute of
Medical Sciences (PIMS) Rep by Registrar
Ganapathy Chettikulam Puducherry- 605 014
- 7 Medical Council of India
Rep by Secretary Pocket-14 Sector-8
Dwarka Phase-1 New Delhi-110 077.
- 8 Government of India
Rep by its Secretary to Government Ministry
of Health & Family Welfare Department New
Delhi
- 9 MISS. VARSHA J
- 10 MISS. SARIKA B.K.
- 11 MISS.MANIMEGALAI.A.
- 12 MR.JAYACHANDRAN.R.
- 13 MR.SIVASURIYA P.M.
- 14 R.KARTHIKRAJ
- 15 BOMMIDI SPURTHI
- 16 M.MOHANA KRISHNAN
- 17 S.GOKULA NATHAN
- 18 R.KISHORE
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 53 J.VASEEKARAN
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- 143 MOHANDASS.M
- 144 SUBATHIRA.G

- 145 THANIGAIVEL.V
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- 147 ENIYA.K
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- 150 DINESH ROSHAN S.E.J
- 151 DEEPAN.A
- 152 VASANTHI.M
- 153 SHIVANI RAVICHANDRAN
- 154 SARAH MARIA THOSMAS
- 155 SHERINE HERALD VALENTINA
- 156 CALVIN NOVA SARGUNAM.J
- 157 ATHUL MANI S/O.PM.MANI
- 158 YERRA RUCHITA RAO
- 159 VIGNESWARAN.P
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 190 MONISH KUMAR.R
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 193 CATHERINE VERONICA SAILA
 194 SAKTHIVELU.I
 195 JOYSON ROBIN.S.R
 196 JIJO MOHAN
 197 SALVIA VICUNA.V
 198 JEFFI NIRMAL ODILA.A ... Respondents

W.A.No.997 of 2017

1. S.Suresh Krishna
 2. K.Shreeranjany ... Appellants

Vs.

- 1 Union Territory of Puducherry
Rep the Secretary to Government Health
Department O/o. the Chief Secretariat
Puducherry- 605 001.
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 196 HANISHA LAKSHMI NANDHINI
 197 DINESH ROSHAN S.E.J
 198 DEEPAN.A
 199 ADHAVAN
 200 S.HEMACHANDRAN

... Respondents

Prayer in both appeals: Appeals filed under Clause 15 of the Letters Patent to set aside the order dated 09.08.2017 in W.M.P.Nos.20224 and 20226 of 2017 in W.P.Nos.35895 and 35923 of 2016 on the file of this Court.

For Appellants : Mr.M.Ravi
in both W.As.

For Respondents 1 to3: Mr.J.Kumar
in both W.As. Government Advocate (Pondy)

For Respondent 4 : Mr.T.V.Lakshmanan
in W.A.No.996/17

For Respondent 5 : Mr.T.V.Lakshmanan
in W.A.No.997/17

For Respondent 6 : Mr.R.Muthukumarasamy

in W.A.No.996/17 SC for Mr.Abishek Jeenasenan

For Respondent 4 : Mr.R.Muthukumarasamy
in W.A.No.997/17 SC for Mr.Abishek Jeenasenan

For Respondent 7 : Mr.V.P.Raman
in both W.As.

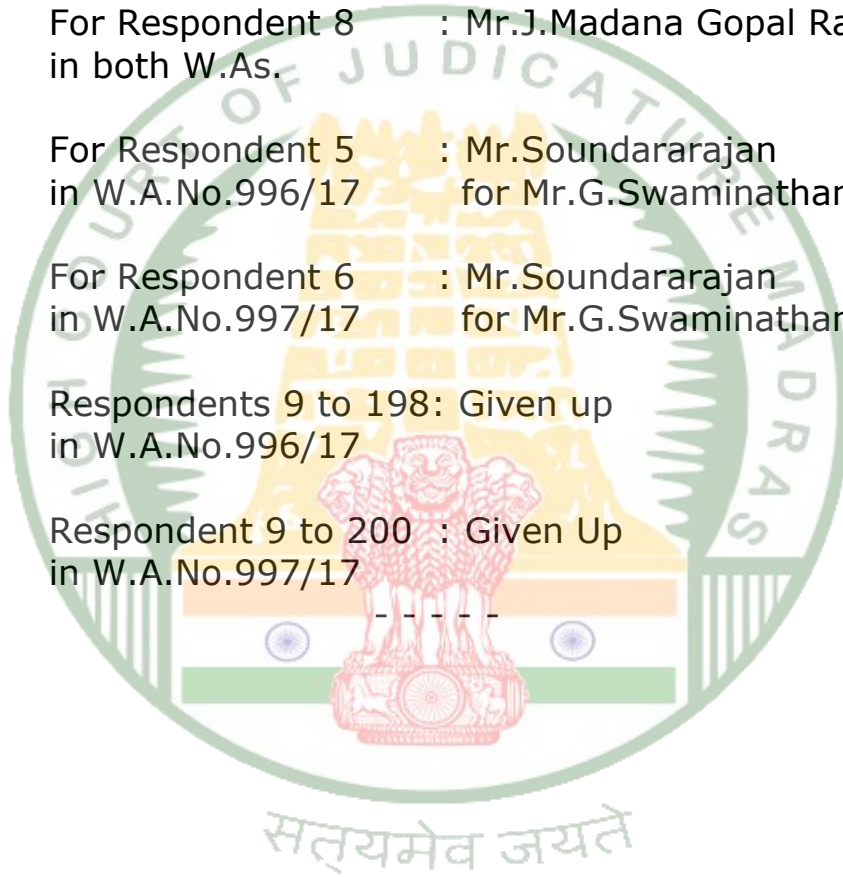
For Respondent 8 : Mr.J.Madana Gopal Rao
in both W.As.

For Respondent 5 : Mr.Soundararajan
in W.A.No.996/17 for Mr.G.Swaminathan

For Respondent 6 : Mr.Soundararajan
in W.A.No.997/17 for Mr.G.Swaminathan

Respondents 9 to 198: Given up
in W.A.No.996/17

Respondent 9 to 200 : Given Up
in W.A.No.997/17



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COMMON JUDGEMENT

(Judgement of the Court was delivered by RAJIV SHAKDHER,J.)

1. These appeals are preferred challenging the common order of the learned Single Judge dated 09.08.2017, passed in W.M.P.Nos.20224 and 20226 of 2017 in W.P.Nos.35895 and 35923 of 2016.

1.1. The limited grievance of the appellants is that while admission has been granted to them for the academic year 2017-2018, the fee as prescribed by the Fee Committee vide its Report dated 26.07.2017, has been made applicable to them without recognition of the position taken by them that they had applied for admission in batch of 2016-2017.

1.2. The appellants, therefore, emphasise the fact they had obtained admission qua the academic year 2016-2017 and had approached the Court with regard to the fee structure in place, which according to them, was exorbitant.

1.3. Thus, the appellants say that their grievance in large measure remains unaddressed.

1.4. The appellants say that while they cannot at this point reverse the fact that due to the pendency of proceedings they have lost a year, they certainly can maintain the grievance with regard to the applicability of fee structure to them, as reflected in the Fee Committee Report of 26.07.2017.

2. These appeals have come up before us for hearing on 18.08.2017. On that date, we had issued notice, and since, there was an urgency in the matter, because of the fact that admissions for the academic year 2017-2018, were reaching the closure date, we had by an interim order directed the concerned institutes i.e. (i) Pondicherry Institute of Medical Sciences (in short 'PIMS') and (ii) Sri Venkateshwara Medical College Hospital and Research Centre (in short 'SVMCH') to accept annual fee from the appellants at the rate of Rs.3,35,000/-; which is the fee adverted to in the Fee Committee Report of 23.03.2017.

2.1. We are informed by Mr.M.Ravi, learned counsel appearing for the appellants that the said amount has been

deposited in respect of all three appellants i.e. (i) N.Lakshana Shree (appellant in W.A.No.996 of 2017), (ii) S.Suresh Krishna (first appellant in W.A.No.997 of 2017 and (iii) K.Shreeranjany (second appellant in W.A.No.997 of 2017).

2.2. Mr.R.Muthukumarasamy, the learned senior counsel, on instructions of Mr.Abishek Jeenasenan, appearing for PIMS says that if the amount, as directed by this Court, vide order dated 18.08.2017, has been deposited, then admission will be granted to the three appellants named above.

2.3. Mr.T.V.Lakshmanan, advocate for SVMCH makes a submission in line with what is stated before us by Mr.R.Muthukumarasamy.

2.4. Furthermore, Mr.R.Muthukumarasamy, on instructions from Mr.Abishek Jeenasenan, and Mr.T.V.Lakshmanan, say that in so far as these three students (i.e. the appellants) are concerned, the said fee structure shall continue to apply for the remaining academic years as well, given the peculiar facts and

circumstances of the case. The counsels, however, make it a point to emphasise that this will not form a precedent.

3. Having heard the learned counsels for the parties and given the stand taken by Mr.R.Muthukumarasamy for PIMS and Mr.T.V.Lakshmanan, who appears for SVMCH, we are of the view that the impugned judgement and order passed by the learned Single Judge requires to be modified only to the extent of fee payable by the appellants. Therefore, upon confirmation that the appellants have paid the fees as indicated by the learned counsels appearing for them, in Court, today, admission will be granted to the appellants in the institutes referred to hereafter.

3.1. The appellant in W.A.No.996 of 2017 i.e. N.Lakshana Shree and the first appellant in W.A.No.997 of 2017 i.e. S.Suresh Krishna will be granted admission in PIMS, while the second appellant in W.A.No.997 of 2017 i.e. K.Shreeranjany will be granted admission in SVMCH.

4. No further orders are called for. The appeals are disposed of in the aforesaid terms. It is made clear that this order will not form a precedent, as it has been passed in the peculiar facts and circumstances obtaining in these appeals. Parties are left to bear their own costs. Consequently, the pending applications shall also stand disposed of.

[R.S.A.,J.] [A.Q.,J.]
24.08.2017

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Speaking order / Non Speaking order
Index : Yes / No
Internet : Yes / No

NOTE: Issue order copy on 28.08.2017.

To

- 1 The Secretary to Government,
Rep the Health Department
O/o The Chief Secretariat
Puducherry- 605 001.
- 2 The Secretary to Government
Higher Education Department O/o. the Chief
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- 3 The Director of Health &
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605 001
- 4 The Registrar,
Pondicherry Institute of
Medical Sciences (PIMS)
Ganapathy Chettikulam Puducherry- 605 014
- 5 The Secretary,
Medical Council of India
Pocket-14 Sector-8
Dwarka Phase-1 New Delhi-110 077.
- 6 The Secretary to Government
Ministry of Health & Family Welfare Department,
Government of India, New Delhi.



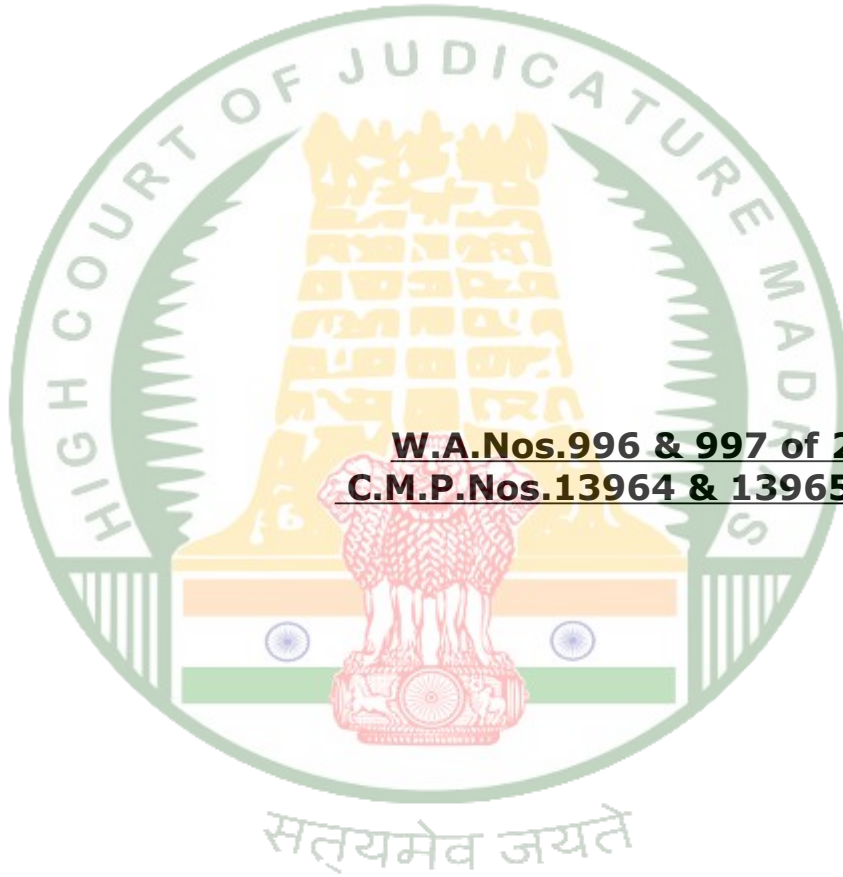
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RAJIV SHAKDHER,J.

AND

ABDUL QUDDHOSE,J.

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