

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.12.2017

CORAM

THE HONOURABLE MR. JUSTICE N. KIRUBAKARAN

W.P. No. 25953 of 2017
&
W.M.P. Nos. 27512 of 2017

Dr.P. Rajashree

..Petitioner

Vs.

1. The Secretary,
Medical Council of India,
Dwaraka, Sector 8,
Pocket 14, Phase 1,
New Delhi 110 077.
 2. The Convenor,
The Centralised Admission Committee
(CENTAC),
PEC Campus, ECR Road,
Pillaichavadi,
Puducherry - 605 014.
 3. The Director,
The Directorate of Health and Family
Welfare Services,
Victor Simonel Street,
Near Bharathi Park,
Puducherry 605 001.
 4. Pondicherry Institute of Medical Sciences,
No.20, Ganapathichettikulam,
Kalapet, Puducherry - 605 014.
- ..Respondents

Prayer: Petition under Article 226 of the Constitution of India praying for issue of a Writ of Certiorari to call for the records of the Order No.MCI-23(1)(MC)/2017/126240 dated 24.07.2017 passed by the 1st respondent and quash the same in respect of the petitioner alone and direct the 4th respondent to allow the petitioner to continue the Post Graduate (Broad-speciality) Course for the academic year 2017-2018.

For Petitioner : Mr.VBR Menon

For Respondents : Mr.V.P. Raman for R1
Mr.C.T. Ramesh,
Addl. Govt. Pleader (P)
for R2 to R4

O R D E R

The petitioner was selected by the 2nd respondent (CENTAC) to Post Graduate Medical Course in Obstetrics and Gynaecology under Management Quota during the common counselling held on 11.05.2017 and was issued the provisional allotment letter dated 11.05.2017. Pursuant to the provisional allotment letter from the 2nd respondent, the 4th respondent, Pondicherry Institute of Medical Sciences, had admitted the petitioner to Post Graduate Medical Course under Obstetrics and Gynaecology Category vide admission letter dated 15.05.2017. According to the petitioner, her name was also shown in the list of admitted candidates published by the 2nd respondent on 19.05.2017 as well as on 01.06.2017 and the fact of her admission was also communicated by the 4th respondent to the 2nd respondent by letter dated 29.05.2017. Though the petitioner had been attending the classes right from the beginning of the course, by the impugned order, the 1st respondent had asked the 4th respondent to discharge the petitioner from the course on the ground that the petitioner's admission was not based on the common counselling held by the 2nd respondent. According to the petitioner, the 1st respondent has committed a mistake in including the petitioner's name in the list of illegally admitted candidates into various Post Graduate Medical Courses for the year 2017-2018 by the 4th respondent, probably, due to the wrong communication of the list of duly admitted students by the 2nd respondent. Though the petitioner has made representation to the 1st respondent seeking rectification of the error and the 4th respondent has also communicated to the 3rd respondent about the erroneous inclusion of the petitioner's name in the list of illegally admitted students, no action has been taken. Hence, the present writ petition.

2. A counter affidavit has been filed by the 3rd respondent, adopted by the 2nd respondent stating that the petitioner was validly selected by the CENTAC. The relevant portion at Paragraph No. 14 of the counter affidavit reads as follows:

"13. I respectfully submit that the petitioner was selected by CENTAC and admitted to the Post Graduate Degree Course in Obstetrics and Gynaecology in the Pondicherry Institute of Medical Sciences. The petitioner is a bona fide student of the Post Graduate

Degree Studies, since he was selected and sponsored by the CENTAC as per the regulations of Medical Council of India and the procedures laid down by the Government of India and in compliance with the direction of the Hon'ble Supreme Court of India in W.P.(C) No. 244 of 2017."

From the above extract of the counter affidavit, it is clear that the petitioner was selected by CENTAC and admitted to Post Graduate Degree Course in Obstetrics and Gynaecology in the Pondicherry Institute of Medical Sciences. The petitioner is a bona fide student of the said course since he has been selected and sponsored by CENTAC as per the regulations of Medical Council of India and procedures laid down by the Government of India.

3. The reason for the 1st respondent passing the impugned order has been stated in paragraph Nos. 12 & 13 of the counter affidavit and it is extracted as hereunder:

"12. I respectfully submit that the CENTAC in compliance with the directions of Hon'ble Supreme Court of India, have collected the tuition fees in the form of demand draft from the selected candidates for the PG Medical Courses and forwarded to the concerned Medical Colleges to ensure the admission of the students. However, Dr.P. RAjashree, who had provisionally allotted a Post Graduate Degree in Obstetrics and Gynaecology under Management Quota on 11.05.2017 has directly paid the tuition fee to the Pondicherry Institute of Medical Sciences (PIMS), Puducherry and admitted on 15.05.2017. The PIMS had not reported to CENTAC that Dr.P. Rajashree had paid the tuition fee and admitted in the PIMS.

13. I respectfully submit that the CENTAC had sent a list of candidates admitted to various Post Graduate disciplines in the Pondicherry Institute of Health Sciences to the Directorate of Health and Family Welfare Services, Puducherry, wherein the name of the petitioner was missed in the list due to non-reporting of the admission of the petitioner by the Pondicherry Institute of Medical Sciences. The same list was forwarded to the Medical Council of India by the Directorate of Health, Puducherry. The Medical Council of India vide Letter No. MCI-23(1)(MC)/2017/126240 dated 24.07.2017 has directed the medical colleges to discharge a list of students including Dr.P. Rajashree stating that the students are not in the list of CENTAC provided by the Government of Puducherry."

Since the reason for the 1st respondent passing the impugned order is on account of the omission of the petitioner's name in the list of candidates sent by CENTAC admitted to various Post Graduate disciplines in the 4th respondent Institute to the Directorate of Health and Family Welfare Services, Puducherry, due to non-reporting of the admission of the petitioner by the 4th respondent, and now, that the 2nd and 3rd respondents have come up with counter affidavit stating that by mistake, the petitioner's name was omitted to be included in the list sent to MCI, the impugned order is liable to be quashed, insofar as the petitioner is concerned.

4. Accordingly, the impugned order dated 24.07.2017 is quashed, insofar as the petitioner is concerned and the writ petition is allowed. No costs. Connected W.M.Ps are closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

nv

To

1. The Secretary,
Medical Council of India,
Dwaraka, Sector 8,
Pocket 14, Phase 1,
New Delhi 110 077.
2. The Convenor,
The Centralised Admission Committee
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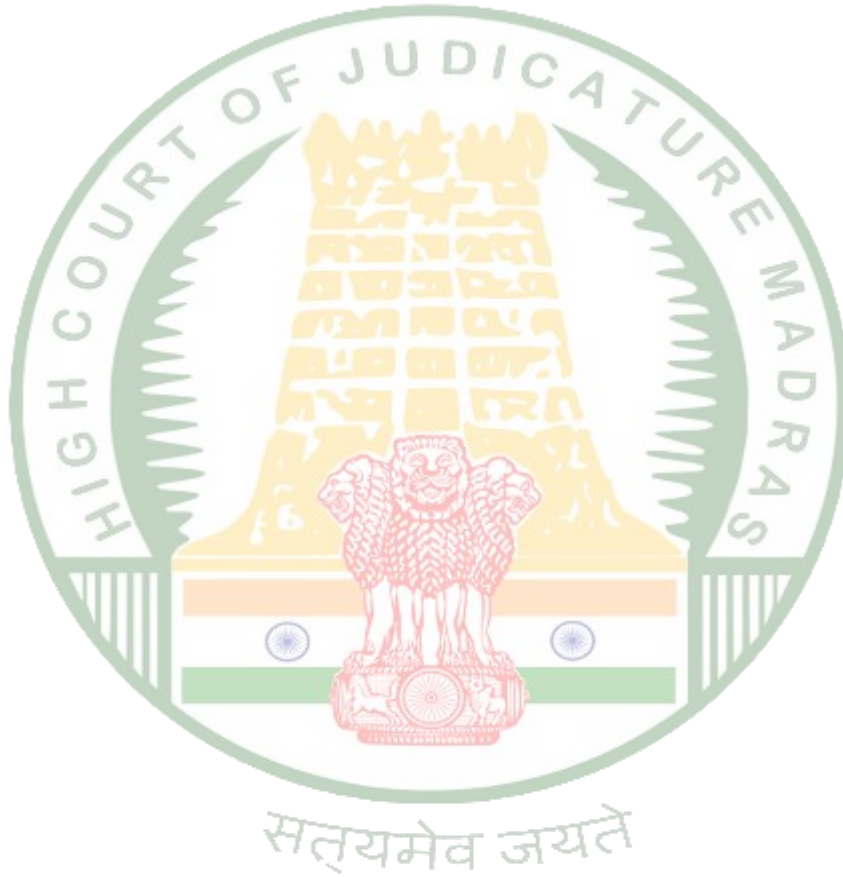
4. Pondicherry Institute of Medical Sciences,
No.20, Ganapathichettikulam,
Kalapet, Puducherry - 605 014.

+1cc to Mr.V.B.R.Menon, Advocate, S.R.No.91250

+1cc to the Government Pleader, S.R.No.91173

W.P. No. 25953 of 2017

RRK(10/01/2018)



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