

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.02.2017

CORAM

THE HONOURABLE MR.JUSTICE B.RAJENDRAN

W.P.No.27990 of 2016 and
W.M.P.Nos.24150 and 24151 of 2016

1.V.Thirumurugan
2.M.Govindarajan
3.Dr.A.R.Srinivasan
4.Dr.Velu Saravanan .. Petitioners

-vs-

1.Medical Council of India,
rep.by its Deputy Secretary,
Pocket-14, Sector-8, Dwarka,
New Delhi-110 077.

2.Jawaharlal Institute of Post Graduate
Medical Education and Research (JIPMER),
rep.by its Director,
Pondicherry-605 006.

3.The Dean (Academics),
Jawaharlal Institute of Post Graduate
Medical Education and Research (JIPMER),
Pondicherry-605 006.

4.Competent Authority for admission,
rep.by Director,
Jawaharlal Institute of Post Graduate
Medical Education and Research (JIPMER),
Pondicherry-605 006.

5.Peddy Reddy Shravan Krishna (Roll No.156030034)
6.Saka Sowmya Susan (Roll No.124010189)
7.Yadunand Sriram (Roll No.112030468)
8.Nakka Reshma (Roll No.157010038) .. Respondents

Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned order of admissions of the respondents 5 to 8, to I year MBBS Course in the 2nd respondent Institute, made by the respondents 2 and 3 in the Meeting held on 15.7.2016 based on the decision taken by the 4th respondent and quash the same and consequentially direct the respondents 2 and 3 to conduct counselling afresh for the vacancies of I year MBBS for the academic year 2016-17 that

would consequently arise for P-UR category for both Puducherry and Karaikkal campuses, by permitting the petitioners to participate in the same based on their rank.

For Petitioners:: Dr.A.Thiagarajan,
Sr.Counsel for
Mr.S.Gopinathan

For Respondents:: Mr.V.P.Raman for R1

Mr.M.T.Arunan for R2 to R4

Mr.P.Wilson, Sr.Counsel for
Mr.Richardson Wilson for
R5 to R8

ORDER

This writ petition has been filed by the petitioners to quash the impugned order of admissions of the respondents 5 to 8 to I year MBBS Course in the second respondent Institute, passed by the respondents 2 and 3 in the meeting held on 15.7.2016 based on the decision taken by the fourth respondent and also to direct the respondents 2 and 3 to conduct fresh counselling for the vacancies of I year MBBS for the academic year 2016-2017 that would consequently arise for P-UR category for both Puducherry and Karaikkal campuses, by permitting the petitioners to participate in the same based on their ranks.

2.It is stated by the petitioners herein that the admission of the respondents 5 to 8 to the MBBS Course in the second respondent institute is illegal. It is stated that the respondents 5 to 8 have not fulfilled the requirements for admission under P-UR category. Further it is stated that the respondents 5 to 8 ought not to have been admitted, as they are not entitled for admission, since the writ petitions filed in respect of the said issue was dismissed. But they have been admitted on 18.07.2016 based on a decision said to have been taken by the competent authority on 15.07.2016. Had they not been admitted, the students in the next ranks would have moved to the Puducherry campus from Karaikkal campus and consequently, the wards of the petitioners would have got admissions to the accrued vacancies in Karaikkal campus.

3.With regard to the issue, on a writ petition filed by the petitioners 2 to 4 herein in W.P.No.31296 of 2016, this Court passed an order dated 08.09.2016, directing the District Collector, Government of Puducherry, to consider the representation of the petitioners 2 to 4 herein dated 08.08.2016 after giving notice and opportunity to the respondents 5, 6 and 8 herein and also the petitioners 2 to 4 herein and pass appropriate orders within a period of eight weeks from the date of receipt of a copy of the order.

4. In their representation to the District Collector, Puducherry, the petitioners herein have stated that the candidates, ie., respondents 5 to 7 had written the AP-EAMCET 2016 (Andhra Pradesh-Engineering, Agriculture and Medicine Courses), which is the common entrance examination seeking admission to Engineering, Agriculture and Medicine Courses. For writing the above examination, the Andhra Pradesh Government has categorically ruled that the candidates should be residents of Andhra Pradesh/Telangana for a minimum period of four consecutive years. It was also stated by the petitioners that the same candidates have emerged successful under the Puducherry-Unreserved category for which the JIPMER administration had stipulated that the candidates should be residents of Puducherry and that they should have studied in the Higher Secondary Course of two years, in any of the schools in the Union Territory of Puducherry as their parents are working in Central/ State Governments. The petitioners had also submitted documentary evidences for their criticism against the respondents 5 to 7 herein for having applied for AP-EAMCET 2016 and for being selected in the JIPMER Entrance 2016.

5. In this regard, after considering the relevant notifications/ Government Orders determining the status of nativity and the criteria for residents in the Union Territory of Puducherry and the reports connected therein and also the arguments made on either side, the District Collector, Puducherry has passed the following order in No.8681-84/DRDM/C2/CV/2016 dated 03.01.2017:

"(i) With regard to the allegations of dual nativity/ residence, the petitioners are directed to file a complaint before the police authorities for investigation which may be directly made by the petitioners or through this Department, if submitted.

(ii) The argument that the respondents 5 to 7 did not pursue their Higher Secondary Course in this Union Territory is not a valid decisive factor for rejection or cancellation of residence certificate. Moreover, this is an admission criterion determined by the JIPMER administration for admission into the JIPMER-MBBS-2016 entrance examination which can be challenged by the petitioners only before the JIPMER administration /Court of Law."

6. The learned senior counsel appearing for respondents 5 to 8 has produced a copy of the above order passed by the District Collector, Puducherry dated 03.01.2017 by way of filing additional typed set of papers.

7.On receiving a copy of the above order, the learned senior counsel appearing for the petitioners submitted that this writ petition may be disposed of by recording the above order passed by the District Collector, Puducherry.

8.In view of the above submission made by the learned senior counsel appearing for the petitioners, recording the order dated 03.01.2017 passed by the District Collector, Puducherry, this writ petition is disposed of. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

To

- 1.The Deputy Secretary,
Medical Council of India,
Pocket-14, Sector-8, Dwarka,
New Delhi-110 077.
- 2.The Director,
Jawaharlal Institute of Post Graduate
Medical Education and Research (JIPMER),
Pondicherry-605 006.
- 3.The Dean (Academics),
Jawaharlal Institute of Post Graduate
Medical Education and Research (JIPMER),
Pondicherry-605 006.
- 4.The Director,
Competent Authority for admission,
Jawaharlal Institute of Post Graduate
Medical Education and Research (JIPMER),
Pondicherry-605 006.

+1 cc to M/s.M.Ravi,advocate,sr.7203

+1 cc to M/s.Richardson Wilson,advocate,sr.7668.

gmi(co)
krd 17/2

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