

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.04.2017

CORAM

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

WP.No.35892 of 2016
and W.M.P.No.30826 of 2016

P. Veeramani .. Petitioner
Vs.

1. The Secretary,
Selection Committee,
Directorate of Medical Education,
Kilpauk, Chennai.
2. The Principal,
Sree Moogambigai Institute of Medical Sciences,
Padanilam, Kulasekaram,
Kaniyakumari District.
3. The Secretary,
Medical Council of India,
Pocket - 14, Sector - 8,
Dwaraka Phase-I, New Delhi - 110 077. .. Respondents
(R3 impleaded as per order dated 26.10.2016
in WMP.No.32273/2016 in WP.No.35892/2016)

Writ petition filed under Article 226 of the Constitution of India praying for a writ of Mandamus directing the first respondent to issue necessary direction to the second respondent to admit the petitioner's son by name V.Sithardhan to do MBBS Degree Course 2016-2017 session as per the Allotment Order in AR No.9923 dated 28.09.2016 issued by the first respondent.

For Petitioner : Mr.K.Kannan
For Respondents : Mr.V.Anandhamurthy,
Additional Govt. Pleader for R1
Mr.P.Godson Swaminath for R2
Mr.V.P.Raman for R3

ORDER

The Writ Petition has been filed seeking to issue a writ of Mandamus, directing the 1st respondent to issue necessary direction to the 2nd respondent to admit the petitioner's son by name V.Sithardhan to do MBBS Degree Course 2016-2017

session as per the Allotment Order in AR No.9923 dated 28.09.2016 issued by the 1st respondent.

2. The case of the petitioner is that his son V.Sithardhan secured 1109 marks out of 1200 in the Higher Secondary Examination in the academic year 2015-16 and he has been allotted one seat in the second respondent institute to do MBBS Degree Course in allotment order No.9923 dated 28.09.2016 and he was directed to join the said course in the second respondent institute on or before 30.09.2016 whereas the petitioner was not able to mobilize the fund of Rs.1,70,000/- required by the 2nd respondent Institute. However, he mobilized the fund on 30.09.2016 and he reached the second respondent institute with the Demand Draft on 01.10.2016 whereas the second respondent institute directed the petitioner to bring his son with necessary tuition fee and other fee on 03.10.2016. Accordingly, the petitioner brought his son to the second respondent institute on 03.10.2016 whereas the 2nd respondent institute has not admitted the petitioner's son to do MBBS degree course as per the allotment order of the 1st respondent and no reason was assigned for dragging on in giving admission to the petitioner's son. Therefore, the petitioner is before this Court with this Writ Petition.

3. A detailed counter has been filed by the 2nd respondent stating that the 2nd respondent Institute has been offering various Medical Courses at the Graduate and Post Graduate Level and for MBBS Course and the college was sanctioned 100 students. Further, though the college, being a Minority Educational Institution, conferred with the absolute right to admit all the 100 seats on its own, it is admitting 50% of seats under Management Quota and 50% seats under Government Quota i.e. through Single Window System (Counselling) conducted by the 1st respondent. It is further stated that the last date for completion of admission for Under Graduate Course (MBBS) is 30th September, every year. The College filled up all the 50 seats under Management Quota much before 30.09.2016 from the merit list published by the Committee as per the rules.

4. While so, the name of the son of the petitioner was allotted by the 1st respondent during the 3rd phase of counselling and the 1st respondent directed the candidates to join the college on or before 30.09.2016 without fail and in the terms and conditions of the Allotment Order at Clause III, it is specifically mentioned that if anyone do not report the Head of the Institution in which they are allotted on the time and date specified in the allotment order, the allotment will be cancelled. Till the evening of 30.09.2016, the

petitioner's son did not turn up. Hence the 2nd respondent admitted one candidate from the Merit List published by the Admission Monitoring Committee, namely, S.Yamin as she possessed all the requisite qualifications. The college also submitted the list of admitted candidates under the Government Quota to the 1st respondent on 07.10.2016 and the list of 100 candidates admitted both under the Government and the Management Quota for the academic year 2016-17 to the Tamil Nadu Dr.M.G.R. Medical University on 03.10.2016 for registration.

5. Further, the petitioner approached the 2nd respondent college only on 03.10.2016 and when the college authorities asked him to produce all the original certificates, they were informed that his son is doing B.Tech (Agricultural Engineering) Course in the Tamil Nadu Agricultural University, Trichy where he had deposited all his original certificates. As per the regulation and the orders of the Hon'ble Apex Court, the college cannot make any admission after the time prescribed in the allotment order. Hence, the Writ Petition is liable to be dismissed.

6. Heard Mr.K.Kannan, learned counsel appearing for the petitioner, Mr.V.Anandhamurthy, learned Additional Government Pleader appearing for the first respondent, Mr.P.Godson Swaminath, learned Counsel appearing for the 2nd respondent and Mr.V.P.Raman, learned counsel appearing for the 3rd respondent.

7. The learned Counsel appearing for the petitioner would contend that it is mandate on the part of the 2nd respondent to admit his son to do the MBBS Degree Course as per the allotment order issued by the 1st respondent though he approached the college on 01.10.2016 instead of 30.09.2016. The learned Counsel for the petitioner would further contend that extension of time has been granted to some candidates for getting admitted in the MBBS Course. Hence, the present Writ Petition has to be allowed as sought for by the petitioner.

8. Per contra, the learned counsel appearing for the second respondent would contend that when the petitioner was asked by the 2nd respondent to bring all the certificates of his son along with his son, the petitioner told that his son was already joined B.Tech (Agricultural Engineering) course in the Tamil Nadu Agricultural University, Trichy and had deposited all his certificates there. Further, though it is stated that some of the students have given extension of time for joining MBBS Course, their stand is different that they have already approached the 2nd respondent college well in

advance before the said cut-off date for admission i.e. on 30.09.2016. Hence, the case of the petitioner's son was rejected. Therefore, the present Writ Petition has to be dismissed.

9. I have considered the rival submissions made on either side and I have also perused the typed set of papers carefully.

10. The facts that the name of the petitioner's son V.Sithardhan was allotted to the 2nd respondent college for pursuing his MBBS Course, the cut-off date for the said admission is 30.09.2016 and the petitioner approached the said college only on 01.10.2016 are not in dispute. The only dispute, according to the petitioner, is that though he approached the 2nd respondent belatedly after the cut-off date, admission should be given to his son.

11. In this regard, it is pertinent to point out that firstly, when the petitioner approached the 2nd respondent college on 01.10.2016 without his son and testimonials, he informed the college authorities that his son has already doing B.Tech which is another professional course. It is an admitted fact that a person cannot pursue two professional courses at the same time as it would be in violation of law. Secondly, the Hon'ble Apex Court has given certain guidelines to the colleges for admitting the students in Medical Courses in which it is stated that no admission should be made beyond the cut off date of 30th September of every year. The concerned colleges have to follow the same strictly in accordance with law. Any deviation would be viewed seriously. Thirdly, though the learned Counsel for the petitioner has pointed out that certain students have given admission after the cut-off date, as rightly stated by the learned Counsel for the 2nd respondent, they approached the 2nd respondent well within the cut-off date and got permission to join the college belatedly stating the reasons for the same. But the case of the petitioner is entirely different from the same. He along with his son did not turn up before the cut-off date. Further, the 2nd respondent admitted one candidate from the Merit List published by the Admission Monitoring Committee, namely, S.Yamin as she possessed all the requisite qualifications in the place of the petitioner's son and submitted the list to the concerned authorities, namely, the 1st respondent and the Tamil Nadu Dr.M.G.R. Medical University for registration. Therefore, there is no error apparent on the part of the 2nd respondent in admitting the students in MBBS Course and denying admission to the son of the petitioner. I find that the admissions have been made in accordance with law.

12. In view of the above, the writ petition fails and the same is accordingly dismissed. No costs. Consequently, connected miscellaneous petition is closed.

-sd-

Assistant Registrar

//True copy//

Sub Assistant Registrar

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To

1. The Secretary,
Selection Committee,
Directorate of Medical Education,
Kilpauk, Chennai.
2. The Principal,
Sree Moogambigai Institute of Medical Sciences,
Padanilam, Kulasekaram,
Kanyakumari District.
3. The Secretary,
Medical Council of India,
Pocket - 14, Sector - 8,
Dwaraka Phase-I, New Delhi - 110 077.

+1 C.C. to MR.P.GODSON SWAMINATH Advocate SR.NO.22067/17

W.P.No.35892 of 2016

AK (CO)
VS 20.04.2017

सत्यमेव जयते

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