



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Special Original Jurisdiction)

Wednesday, the Eleventh day of October Two Thousand Seventeen
PRESENT

The Hon`ble Mr Justice R.MAHADEVAN

WMP(MD) No.15365 of 2017
IN

WP(MD) No.19157 of 2015

WEB COPY

WHITE MEMORIAL EDUCATIONAL SOCIETY,
REP. BY ITS CHAIRMAN,
ATTOOR, VEEYANOOR- 629 177.

... PETITIONER/ PETITIONER

Vs

1 TAMIL NADU DR. MGR MEDICAL UNIVERSITY,
REP. BY ITS REGISTRAR,
69, ANNA SALAI,
CHENNAI- 600 032.

2 THE COMMISSIONER,
DIRECTORATE OF INDIAN MEDICINE & HOMEOPATHY,
ARUMBAKKAM,
CHENNAI- 600 106.

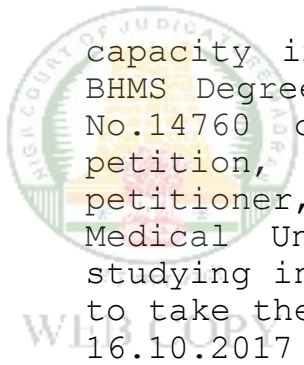
... RESPONDENTS/ RESPONDENTS

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to issue suitable interim orders directing the 1st respondent TN Dr.MGR Medical University to permit the 93 students (names list annexed) studying in the 2nd years BHMS Degree Course in the petitioners college to write their 2nd year BHMS Course Examinations slated to commence on 16.10.2017 or any other future date, pending disposal of the Writ petition, and pass.

Prayer in WP(MD). 19157/ 2015 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus, directing the respondents herein to continue to treat the admission capacity in the petitioners college as 100 seat per annum for the BHMS Degree Course in terms of the Order of this Honble Court in WP(MD). No. 14760 of 2012 dated 19.09.2013.

ORDER : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.ISSAC MOHANLAL, Senior Counsel for ISAAC CHAMBERS, Advocate for the petitioner and of M/S.M.ALAGUTHEVEN, Special Governmetn Pleader for R1 and M/S.C.KARTHIK, Advocate for R2, the court made the following order:-



capacity in the petitioner-college as 100 seat per annum for the BHMS Degree course in terms of the order of this Court in W.P(MD) No.14760 of 2012 dated 19.09.2013. Along with the said writ petition, W.M.P(MD) No.15365 of 2017 has been filed by the petitioner, seeking to direct the 1st respondent / Tamil Nadu Dr.MGR Medical University to permit 93 students (Name list Annexure) studying in the 2nd year BHMS Degree Course in the petitioner-College to take the 2nd year BHMS Course Examination scheduled to commence on 16.10.2017 or any other future date pending disposal of the Writ Petition.

2. According to the learned Senior Counsel for the petitioner-college, a Hon'ble Division Bench of this Court, while dealing with the similar set of facts regarding affiliation, had ultimately dismissed the writ appeal.

3. On the other hand, the learned counsel appearing for the 1st respondent has specifically contended that the petitioner-college, having failed to obtain affiliation, could not have admitted the students and therefore, the act of the petitioner-college itself is contrary to the established rules and illegal. Hence, the prayer sought for by the petitioner-college in the miscellaneous petition cannot stand in the eye of law.

4. The submissions made on either side shall have to be gone into in detail at the time of final hearing of the writ petition. In the meantime, as an interim measure to temporarily give quietus to the issue, this Court directs the 1st respondent / Tamil Nadu Dr.MGR Medical University to permit the 93 students (as per the list attached in this petition) studying in the 2nd year BHMS Degree Course in the petitioner-College to take the 2nd year BHMS Course Examination scheduled to commence on 16.10.2017 and the 1st respondent shall withhold the result, pending disposal of the Writ Petition.

5. This Miscellaneous Petition is ordered accordingly. **Call the main writ petition after three weeks for hearing.**

sd/-
11/10/2017

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE REGISTRAR,
TAMIL NADU DR. MGR MEDICAL UNIVERSITY,
69, ANNA SALAI,
CHENNAI- 600 032.



2 THE COMMISSIONER,
DIRECTORATE OF INDIAN MEDICINE & HOMEOPATHY,
ARUMBAKKAM, CHENNAI- 600 106.

+1. C.C. to M/S.ISAAC CHAMBERS Advocate SR.No.32548
+1CC TO M/S.C.KARTHICK, ADVOCATE, SR NO.32565

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ORDER

IN

WMP (MD) No.15365 of 2017

IN

WP (MD) No.19157 of 2015

Date :11/10/2017

MS/CM-MSA/SAR.3/11.10.2017/3P.5C