

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.06.2018

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.Nos.3296 and 2052 of 2018 and 13424 and 13425 of 2017
and
W.M.P.Nos.4043, 4044 and 2567 to 2569 of 2018 and 14471 and
14472 of 2017

Pondicherry Institute of Medical Sciences,
Represented by its Chairman Dr.K.Jacob,
Kalapet, Puducherry-605 014.

.. Petitioner in W.P.No.3296 of 2018

Sri Manakula Vinayagar Medical College and Hospital,
Rep. by its Chairman and Managing Director,
M.Dhanasekaran,
Kalitheerthalkuppam,
Madagadipet,
Puducherry-605 107.

.. Petitioner in W.P.No.2052 of 2018

Sri Venkateswara Medical College Hospital
and Research Centre,
Rep. by its Chairman,
No.13-A, Pondy-Villupuram Main Road,
Ariyur, Puducherry-605 102.

.. Petitioner in W.P.Nos.13424 and 13425 of 2017

Vs.

1. The Government of India,
Represented by its Under Secretary,
Ministry of Health and Family Welfare,
Nirman Bhawan, New Delhi-110 001.

2. The Medical Council of India,
Represented by its Joint Secretary,
Pocket-14, Sector-8, Dwarka, Phase-I,
New Delhi-110 077.

3. The Government of Puducherry,
Represented by the Under Secretary
to Government (Health),
Chief Secretariat, Puducherry.

4. Central Admissions Committee (CENTAC),
Represented by Chairman/Convenor,
Pondicherry Engineering College Campus,
Puducherry-605 014.

5. Dr.K.Ganesh Kumar
(Fifth respondent impleaded as per
order dated 12.04.2018 in
W.M.P.No.5297 of 2018 in W.P.No.3296 of 2018)
.. Respondents in W.P.No.3296 of 2018

1. The Union of India,
Rep. by its Secretary to Government,
Department of Health and Family Welfare Services,
New Delhi-110 011.
2. The Secretary,
Medical Council of India,
Pocket-14, Sector-8, Dwarka Phase-I,
New Delhi-110 077.
3. The Chief Secretary,
Government of Pondicherry,
Chief Secretariat,
Pondicherry.
4. The Secretary to Government (Health),
Chief Secretariat (Health),
Government of Puducherry,
Puducherry-605 001.
5. The Under Secretary to Government (Health),
Chief Secretariat (Health),
Government of Puducherry,
Puducherry-605 001.
6. The Director,
Directorate of Health and Family
Welfare Services (DWFWS),
Victor Samuvel Street,
Puducherry-605 001.
7. The Convenor,
Centralized Admission Committee (CENTAC),
Pondicherry Engineering College Campus,
Pillaichavadi,
Puducherry-605 014.

8. V.Balasubramanian
(Eighth respondent impleaded as per order
dated 19.03.2018 passed in W.M.P.No.3726 of 2018 in
W.P.No.2052 of 2018)

9. Puducherry Govt. Medical Officers' Association,
(Reg.No.672/08),
Rep. by the Joint Secretary,
No.204, Cuddalore Road,
Mudaliarpet, Puducherry-605 004.
(Ninth respondent impleaded as per order
dated 12.04.2018 passed in W.M.P.No.6872 of 2018
in W.P.No.2052 of 2018)

.. Respondents in W.P.No.2052 of 2018

1. The Union of India,
Rep. by its Secretary,
Ministry of Health and Family Welfare,
(Dept. of Health - DE Section),
Maulana Azad Road,
New Delhi-110 011.

2. Medical Council of India,
Represented by its Secretary,
Pocket-14, Sector-8, Dwarka Phase-I,
New Delhi-110 077.

3. The Government of Puducherry,
Represented by its Chief Secretary,
Higher Education Department,
Office of the Chief Secretariat,
Puducherry-605 001.

4. The University Grants Commission,
Rep. by its Chairman,
Bahadur Shah Zafar Mall,
New Delhi-110 002.

(Respondent-4 impleaded as per order
dated 12.04.2018 in W.M.P.Nos.15598
and 15599 of 2018 in W.P.Nos.13424
and 13425 of 2017)

.. Respondents in W.P.Nos.13424 and 13425 of 2017

Writ Petition No.3296 of 2018 filed under Article 226 of the
Constitution of India, praying for issuance of a Writ of
Mandamus to forbear the respondents from unilaterally imposing
any kind of apportionment of the Post Graduate Medical Course
seats available in the petitioner-institution from the academic
year 2018-19.

Writ Petition No.2052 of 2018 filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus to call for the records pertaining to the order passed by the first respondent, vide No.V 11025/04/2016 MEP, dated 21.02.2017 and the consequential Circular issued by the sixth respondent, dated 11.01.2018 vide F.No.V/11025/NEET-PG/11-01/BOME/DHFWS/2018/411 and quash the same and direct the respondents to permit the petitioner institution to conduct admission for the PG Course and admit students under management quota without seat sharing with the State for the Government Quota in the light of the judgment by the Supreme Court in P.A.Inamdar Case.

Writ Petition No.13424 of 2017 filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus to call for the records on the file of the third respondent in its notice dated 16.05.2017 and quash the same as unconstitutional, being violative under Articles 14 and 19(1)(g) of the Constitution of India and direct the respondents not to demand any seat from the petitioner.

Writ Petition No.13425 of 2017 filed under Article 226 of the Constitution of India praying for issuance of a Writ of Declaration to declare that the impugned Regulation 9(VI) of Post Graduate Medical Education Regulations, 2000, is invalid, arbitrary, ultra-vires the powers of the second respondent, unconstitutional and directly contrary to the judgment of the Supreme Court of India.

For petitioner : Mr.B.Jagannath in W.P.No.3296 of 2018
Mr.B.Balavijayan in W.P.No.2052 of 2018
Mr.T.V.Lakshmanan in W.P.Nos.13424
and 13425 of 2017

For respondents in W.P.No.3296 of 2018:
Mr.Rabu Manohar for R-1
Mr.V.P.Raman for R-2
Mr.T.P.Manoharan, Senior Counsel for
Mr.C.T.Ramesh,
Addl.G.P.(Pondicherry) for RR-3 and 4
Mr.V.B.R.Menon for R-5

For respondents in W.P.No.2052 of 2018 :
Mr.Rabu Manohar for R-1
Mr.V.P.Raman for R-2
Mr.T.P.Manoharan, Senior Counsel, for
Mr.C.T.Ramesh, Addl.G.P.(Pondicherry)
for RR-3 to 7
Mr.V.B.R.Menon for R-8

For respondents in W.P.Nos.13424 and 13425 of 2017 :

Mr.Rabu Manohar for R-1

Mr.V.P.Raman for R-2

Mr.T.P.Manoharan, Senior Counsel

for Mr.C.T.Ramesh,

Addl.G.P.(Pondicherry) for R-3

Mr.P.R.Gopinathan for R-4

COMMON ORDER

When the Writ Petitions are taken up for hearing, it is represented by the learned counsel appearing for the parties that Regulation 9(VI) of the Post Graduate Medical Education Regulations, which has been challenged in all these Writ Petitions, has been amended as Regulation 9(7), which has been questioned in the Writ Petitions pending before a Division Bench of this Court in W.P.Nos.9113, 9592 and 10756 of 2018. It is also represented by either side that in view of the said amendment, there is no requirement of any adjudication in the present Writ Petitions, which may be disposed of, by granting liberty to the petitioners herein to raise all the grounds that are available in those Writ Petitions which are pending before the Division Bench. Accordingly, the present Writ Petitions are disposed of, granting liberty to the petitioners herein to raise all the grounds that are available in those Writ Petitions pending before the Division Bench. No costs. Consequently, W.M.Ps. are closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

सत्यमेव जयते
Sub Assistant Registrar

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To

1. The Under Secretary,
The Government of India,
Ministry of Health and Family Welfare,
Nirman Bhawan, New Delhi-110 001.
2. The Joint Secretary,
The Medical Council of India,
Pocket-14, Sector-8, Dwarka, Phase-I,
New Delhi-110 077.

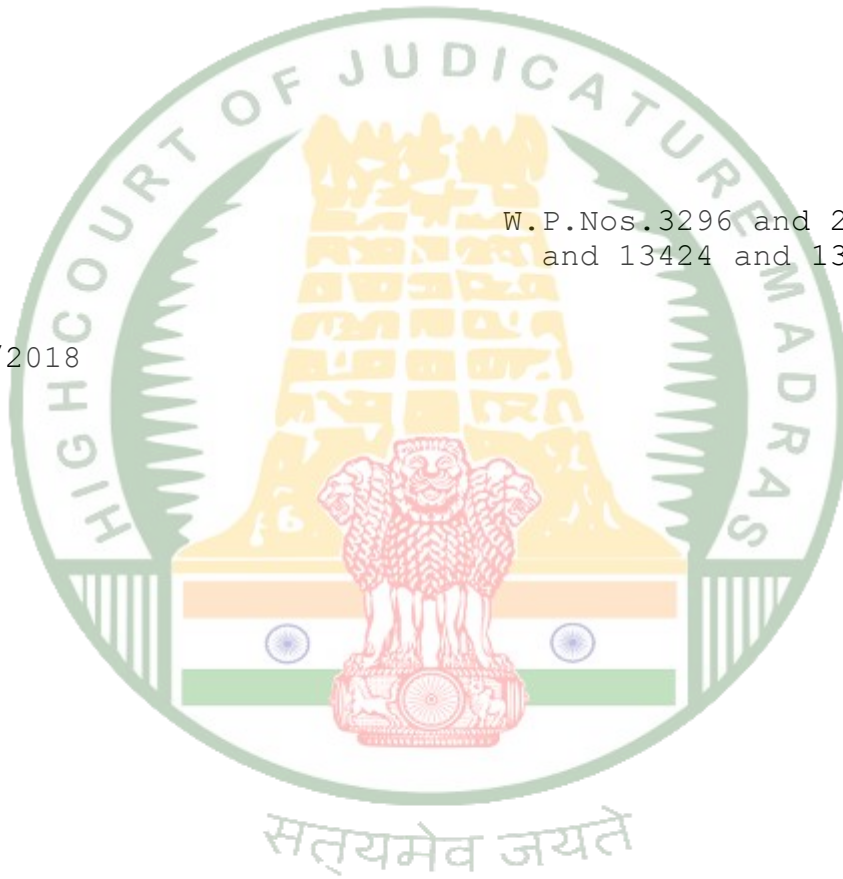
3. The Under Secretary,
The Government of Puducherry,
to Government (Health),
Chief Secretariat, Puducherry.
4. The Chairman/Convenor,
Central Admissions Committee (CENTAC),
Pondicherry Engineering College Campus,
Pillaichavadi, Puducherry-605 014.
5. The Secretary to Government,
The Union of India,
Department of Health and Family Welfare Services,
New Delhi-110 011.
6. The Chief Secretary,
Government of Pondicherry,
Chief Secretariat,
Pondicherry.
7. The Secretary to Government (Health),
Chief Secretariat (Health),
Government of Puducherry,
Puducherry-605 001.
8. The Under Secretary to Government (Health),
Chief Secretariat (Health),
Government of Puducherry,
Puducherry-605 001.
9. The Director,
Directorate of Health and Family
Welfare Services (DWFWS),
Victor Samuvel Street,
Puducherry-605 001.
10. The Secretary,
The Union of India,
Ministry of Health and Family Welfare,
(Dept. of Health - DE Section),
Maulana Azad Road,
New Delhi-110 011.
11. The Chief Secretary,
Government of Puducherry,
Higher Education Department,
Office of the Chief Secretariat,
Puducherry-605 001.

12.The Chairman,
The University Grants Commission,
Bahadur Shah Zafar Mall,
New Delhi-110 002.

+1cc to Mr.V.P.Raman, Advocate Sr.35308
+1cc to Mr.B.Rabu Manohar, Advocate Sr.35234
+1cc to the Government Pleader Sr.35492

W.P.Nos.3296 and 2052 of 2018
and 13424 and 13425 of 2017

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