



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 01.11.2018

C O R A M
THE HON'BLE MR.JUSTICE S.S.SUNDAR

W.P.No.24337 of 2018
and W.M.P.No.28351 of 2018

G.Guru Venkat

...Petitioner

Vs

1. The State of Tamil Nadu,
Rep. by its Principal Secretary
to Government,
Health & Family Welfare Department,
Secretariat, Fort St.George,
Chennai - 600 009.
2. The Director of Medical Education,
Kilpauk,
Chennai - 600 010.
3. The Dean,
Dhanalakshmi Srinivasa Medical College,
Perambalur & District.
4. The Secretary,
Medical Council of India,
Pocket 14, Sector 8,
Dwaraka,
New Delhi - 110 077.

...Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the Respondents to pass appropriate orders for admission by transfer in the existing seat for MBBS course (2nd year) in Stanley Medical College, Chennai from 3rd respondent College, by considering the representation submitted by the petitioner dated 03.07.2018, within a time frame to be fixed by this Hon'ble Court.

For Petitioner : Mr.G.Sankaran

For Respondents : Mr.A.Rajaperumal
Additional Government Pleader
for RR 1 & 2

Mr.V.P.Raman for R4



O R D E R

This writ petition has been filed for issuance of a Writ of Mandamus directing the Respondents to pass appropriate orders for admission by transfer in the existing seat for MBBS course (2nd year) in Stanley Medical College, Chennai from 3rd respondent College, by considering the representation submitted by the petitioner dated 03.07.2018, within a time frame to be fixed by this Hon'ble Court.

The brief facts leading to the filing of the present writ petition are as follows.

2.The petitioner was given admission under the Management Quota in the third respondent College pursuant to the counseling. It is the case of petitioner that he is an eligible candidate to get admission in the third respondent College under the State Quota and that for reasons best known, despite availability of vacancies in the third respondent College, the petitioner was not given admission in the third respondent Institution.

3.The petitioner has completed the first year MBBS course in third respondent College. Since, there is a vacancy for MBBS seat in the Government Stanley Medical College due to discontinuance of a candidate, by name, Mr.Joel Jack, the petitioner has submitted a representation to the respondents seeking admission in the existing vacancy in the Stanley Medical College by way of migration. It is further submitted that as per Medical Council of India Regulations, transfer of students from one medical college to any medical college though located in different district, after completion of first year MBBS degree Course, is permissible.

4.In these circumstances, the learned counsel for the petitioner submits that the petitioner will be satisfied, if a direction is issued to the first respondent to consider the representation of the petitioner, dated 03.07.2018 within a time stipulated by this Court.

5. Having regard to the limited scope of the prayer that is now sought before this Court by the learned counsel for the petitioner, without expressing any opinion on the merits of the petitioner's representation, this Court is inclined to pass the following direction:

(a) The first respondent is directed to consider the petitioner's representation dated 03.07.2018 regarding migration of the petitioner from the third respondent college to the Government Stanley Medical College and pass appropriate orders



on merits, after affording an opportunity of hearing to the petitioner within a period of eight (8) weeks from the date receipt of copy of this order."

6. With the above direction, the Writ Petition is disposed of. Consequently, connected Miscellaneous Petition is closed. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

vsg/gsi

To

1.The Principal Secretary to Government,
State of Tamil Nadu,
Health & Family Welfare Department,
Secretariat, Fort St.George,
Chennai - 600 009.

2.The Director of Medical Education,
Kilpauk,
Chennai - 600 010.

3.The Secretary,
Medical Council of India,
Pocket 14, Sector 8,
Dwaraka, New Delhi - 110 077.

+1cc to Mr.G.Sankaran, Advocate, S.R.No.75596
+1cc to Mr.V.P.Raman, Advocate, S.R.No.75693
+1cc to the Government Pleader, S.R.No.76757

W.P.No.24337 of 2018
and
W.M.P.No.28351 of 2018

CP(CO)

rrs 26/11/2018