



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :29.04.2019

CORAM

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THE HONOURABLE Mrs.JUSTICE PUSHPA SATHYANARAYANA
REV.APPLN.No.99 of 2019
in
W.P.No.5210 of 2019
and
W.M.P.No.12640 of 2019

Sree Balaji Medical College and Hospital
Rep by its Dean,
No.7, Works Road, Chrompet,
Chennai 600 044.

... Review
Petitioner/Petitioner

..vs..

1. Government of India,
Through its Secretary,
Ministry of Health and Family Welfare,
Nirman Bhawan, New Delhi - 11

2. Medical Council of India,
Pocket-14, Sector - 8,
Dwaraka Phase-1,
New Delhi - 110 077

... Respondents

Review Petition filed under Order 47 Rule 1 of C.P.C to review the order dated 12.03.2019 made in W.P.No.5210 of 2019 passed by the Hon'ble Justice Pushpa Sathyanarayana wherein a direction was issued to reconsider the proposal of the petitioner-college for the academic year 2020-21 instead of 2019-2020 as per the proposal of the petitioner-College dated 05.04.2018.

W.P.No.5210/2019:

Writ of certiorarified Mandamus to call for the records of the second respondent dated 11-2-2019 made in No MC1-282(22)/10 (A)/2018-MED/173113 and quash the same and consequently direct the second respondent to issue a Letter of Permission based on the recommendation recorded in the minutes of the meeting dated 2-8-2018 in agenda No 94 to 102 for increase in intake of the Post graduate courses as per the proposal submittted by the petitioner college dated 5-4-2018.



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For Petitioner : Mr.M.S.Krishnan, Senior Counsel
for Mr.S.Kumaresh Babu
For Respondent-1 : Mr.B.Rabu Manohar
Senior Central Government Panel
Counsel
For Respondent-2 : Mr.V.P.Raman

ORDER

The Review Petition is filed on the strength of the order passed by the Hon'ble Supreme Court dated 08.04.2019 in S.L.P.No.7788 of 2019 against the order passed by this Court in W.P.No.5210 of 2019.

2. The prayer in the Writ Petition was to call for the records of the second respondent dated 11.02.2019 made in No.MCI-282(22)/10(A)/2018-Med/173113, whereby, Letter of Permission to increase in intake of the Post Graduate courses as per the proposal submitted by the petitioner-College dated 05.04.2018 was refused. The few dates relevant for deciding the issue are:

(i) 05.04.2018 - The petitioner-College applied for sanction

of seats in various Post Graduate courses.

(ii) 11.02.2019 - The impugned order of the second respondent.

(iii) 28.02.2019 is the last date for granting Letter of Permission.

(iv) 31.05.2019 is the last date for admission.

3. Considering the above dates, this Court had passed an order dated 12.03.2019 in W.P.No.5210 of 2019, remitting the matter back to the second respondent for reconsideration to grant permission to the petitioner-College for the academic year 2020-2021. Admittedly, the last date for sanction of the academic year 2019-2020 is over long back. The order of the Hon'ble Supreme Court has specifically stated that the relief for the session 2019-2020 was not raised before the High Court. It is relevant to point out that the very Writ Petition was filed only for increase of seats for the session 2019-2020 and it could not be stated that it was not argued before this Court. The said issue was argued before this Court and considering the dates as per schedule, it was ordered by this Court to reconsider for the next academic year 2020-2021. Therefore, in the absence of any error apparent on the face of record, the review cannot be sustained and the same is liable to be dismissed.



4. Accordingly, the Review Petition is dismissed.
Consequently, connected miscellaneous petition is closed.

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-s/d-
Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

srn

To

1. The Secretary,
Government of India,
Ministry of Health and Family Welfare,
Nirman Bhawan, New Delhi - 11

2. The Medical Council of India,
Pocket-14, Sector - 8,
Dwaraka Phase-1,
New Delhi - 110 077

+2 Ccs to Mr.K.Kumaresh Babu, advocate sr 41801.

+1 CC to Mr.V.P.Raman, Advocate sr 41722.

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W.P.No.5210 of 2019
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RV(CO)
SP(06/05/2019)