

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.10.2019

CORAM :

THE HONOURABLE MR. JUSTICE T. RAJA

Cont.P.No.1626 of 2018

and

Sub. Application (OS) No.455 of 2018

Melissa Sathyan

... Petitioner in Contempt
Petition/Sub Application

Vs.

1.B.Ramachandhiran,

Chairman,
Sri Venkateshwaraa Medical College,
No.4, 42nd Street, 6th Avenue,
Ashok Nagar,
Chennai - 600 083.

2.Mr.S.Ratnasamy,

Dean,
Sri Venkateshwaraa Medical College,
No.13-A, Pondy-Villupuram Main Road,
Ariyur,
Puducherry - 605 102.

3.Dr.Madhusudhanan Chowdary, M.D.,

Principal,
Sri Venkateshwaraa Medical College,
Staff Quarters, SVMCH & RC Campus,
Ariyur,
Puducherry - 605 102.

... Respondents in Contempt
Petition/Sub Application

Petition filed under Section 11 of the Contempt of Courts Act, 1971, to punish the respondents for committing Contempt of Court, for willful disobedience of the order of this Court passed in W.P.No.13907 of 2017 dated 07.06.2018 and pay exemplary costs for such disobedience.

Sub Appl.No.455 of 2018

To direct the respondents to admit the petitioner to Post graduate medical seat in general Medicine branch under Puducherry government quota for the academic year 2018-2019 pending disposal of the contempt petition.

For Petitioner	:	Mr.Sai Srujan Tayi for M/s.Giridhar and Sai
For R1 to R3	:	Mr.T.V.Lakshmanan
For CENTAC (3 rd party)	:	Mrs.N.Mala Addl. Government Pleader (Puducherry)

O R D E R

This contempt petition has been filed by Melissa Sathyan, complaining the violation of the order dated 07.06.2018, made by this Court in W.P.No.13907 of 2017, directing the respondents to accommodate the petitioner in a Post Graduate Medical seat in General Medicine in Sri Venkateshwaraa Medical College Hospital and Research Centre, Pondicherry, under Government Quota for the Academic Year 2017-2018.

2.Learned counsel appearing for the petitioner would submit that, this Court, by interim order dated 06.06.2017 in W.P.No.13907 of 2017, directed the Convenor, CENTAC, Puducherry, to keep one seat vacant in Post Graduate Medical

seat for admission, either in ENT or Ophthalmology or General Medicine or Paediatrics branch, under Government Quota, in any one of the medical colleges in Puducherry for the Academic Year 2017-2018. Again, by subsequent order dated 28.04.2018, this Court directed continuation of the interim order dated 06.06.2017 with respect to Academic Year 2018-2019. Pursuant to the same, the CENTAC, Puducherry, vide its order/press-release dated 02.05.2018, reserved one seat in General Medicine under Government Quota in Sri Venkateshwaraa Medical College Hospital and Research Centre, Pondicherry, followed by which, the petitioner remitted a fee of Rs.6,78,000/- (Rupees six lakhs and seventy eight thousand only) to the Government for Government seat in the respondent College. Further to two rounds of counselling, mop-up counselling was scheduled on 14.05.2018 and 17.05.2018 for filling up remaining vacancies in Government and Management Quota respectively in four medical colleges in Puducherry. Though the petitioner was eligible to participate in the mop-up counselling scheduled on 14.05.2018, the CENTAC did not permit the petitioner to participate in the same, citing that, one seat has already been reserved for the petitioner. However, even after the completion of the counselling, the petitioner was not given admission. Therefore, the petitioner was advised to come to this Court with the present contempt petition.

3.The learned counsel for the petitioner, referring to a communication dated 16.05.2018, issued by the CENTAC, submitted that, as the CENTAC, Puducherry has requested Sri Venkateshwaraa Medical College Hospital and Research Centre, Pondicherry, not to fill up one seat in Post Graduate Medical- General Medicine under Government Quota and wait for the final orders of this Court, the Sri Venkateshwaraa Medical College Hospital and Research Centre, Pondicherry, have not filled up the said seat. Though, they have not filled up, they have not granted admission to the petitioner. Moreover, on 02.05.2018, the press-release was also issued, making it clear that, one seat in General Medicine under Government Quota in Sri Venkateshwaraa Medical College Hospital and Research Centre, Pondicherry, is reserved in compliance with the order of this Court, which shows that Sri Venkateshwaraa Medical College Hospital and Research Centre, Pondicherry, ought to have come forward to seek further clarification and should have permitted the petitioner to join the Post Graduate course. Although the petitioner was admitted on 18.07.2018, since, timely admission was not granted to him, he was made to lose valuable classes.

4.Mrs.N.Mala, learned Additional Government Pleader (Puducherry), appearing for CENTAC submitted that, after receipt of the order from this Court, a suitable communication dated 16.05.2018 was given to Sri Venkateshwaraa Medical College Hospital and Research Centre, Pondicherry, not to fill up one seat. Even prior thereto, a press-release was also given on 02.05.2018, stating that one seat in General Medicine under Government Quota in Sri Venkateshwaraa Medical College Hospital and Research Centre, Pondicherry, is reserved in compliance with the order of this Court. But the college authorities have sent a letter only on 26.05.2018, requesting the CENTAC, either to fill up the vacant seat before 29.05.2018 or allow them to fill up the same from the applied candidates, before 31.05.2018, on the basis of the orders of the Apex Court in W.P.No.556 of 2018, stating that no seat can be filled after 31.05.2018 for Post Graduate (Medical) Course.

5.At this stage, learned counsel appearing for Sri Venkateshwaraa Medical College Hospital and Research Centre, Pondicherry, submitted that, though there were communications, namely, press-release dated 02.05.2018 by CENTAC, followed by another communication dated 16.05.2018, both of which only indicate that one seat should be reserved

in their college, no clear communication or direction or instruction was issued by the CENTAC to admit the petitioner in the vacant seat.

6.Heard the learned counsel for the parties and perused the materials on record.

7.This Court, by order dated 18.07.2018, issued a direction that the petitioner should be permitted to attend the Post Graduate Medical (General Medicine Branch) classes for the Academic Year 2018-2019 by paying necessary fees applicable, and it is brought to the notice of this Court that, presently, the petitioner is continuing his Post Graduate course.

8.In view of the communications referred above and since, there has been a direction issued by the CENTAC to reserve one seat, which was meant for the petitioner in compliance with the order of this Court and subsequently, the petitioner was admitted in the course on 18.07.2018, no complaint can be made that the order of this Court dated 07.06.2018 has been violated. The petitioner has been admitted in the course, based on the specific order issued by this Court on 18.07.2018, and he shall be allowed to complete the course. Sri Venkateshwaraa Medical College Hospital and Research Centre, Pondicherry, is directed to permit the petitioner to continue, till he completes his course on payment of usual charges, viz., tuition fees, etc.

9.In fine, this Court finds no violation of the order dated 07.06.2018, made by this Court in W.P.No.13907 of 2017. Therefore, this contempt petition is disposed of. Consequently, connected application is closed.

10.It is made clear that, if any candidate is granted admission to the Post Graduate (Medical) Course not in conformity with the order of this Court, the same cannot be put against the petitioner.

11.At this juncture, the learned counsel appearing for Sri Venkateshwaraa Medical College Hospital and Research Centre, Pondicherry, also prayed that no adverse orders may be passed affecting the admission of anyone of the 22 candidates. However, since, admission of the petitioner in Post Graduate (Medical) course has already been made, no need arises for this Court to make any further clarification in this regard.

SD/-

ASSISTANT REGISTRAR (COMM.CASES)

mkn

//Certified to be true copy//

Dated at Madras this the day of 2019.

COURT OFFICER (O.S.)

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Smi/13/11/2019

To

1.The Chairman,

Sri Venkateswaraa Medical College,
No.4, 42nd Street, 6th Avenue,
Ashok Nagar,
Chennai - 600 083.

2.The Dean,

Sri Venkateshwaraa Medical College,
No.13-A, Pondy-Villupuram Main Road,
Ariyur,
Puducherry - 605 102.

3.The Principal,

Sri Venkateshwaraa Medical College,
Staff Quarters, SVMCH & RC Campus,
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