

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.10.2019

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P. No.6284 of 2013
and
W.M.P. Nos.2 & 3 of 2013, 1 of 2014
and
1 & 2 of 2015

Kanyakumari Medical Mission
School of Laboratory Technology
CSI Hospital,
Neyyoor,
Kanyakumari District,
rep. by its Medical Superintendent
Dr.Rajesh Sathia .. Petitioner

-vs-

1.The Director/Secretary,
Board of Para Medical Education,
King Institute of Preventive Medicine &
Research, Chennai-600 032.

2.The Principal Secretary to Government,
Health and Family Welfare Department,
Fort St. George,
Chennai 600 009.

3.The Director of Medical Education,
Kilpauk, Chennai-10. .. Respondents

Petition is filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorarified Mandamus to call for the records from the first respondent pertaining to the impugned order No.07978/PME/2012 dated 12.12.2012 and quash the same as illegal and consequently directing the respondents to conduct examinations and issue them the Government Certificates for the academic year 2012-13.

For Petitioner:: Mr.V.Selvaraj for
Mr.Robert Bruce

For Respondents:: Mr.V.Kadhirvelu,
Special Government Pleader

ORDER

The writ petition has been filed challenging the impugned order No.07978/PME/2012 dated 12.12.2012 issued by the first respondent and seeking a direction to the respondents to conduct examinations and issue Government Certificates to the 15 students for the academic year 2012-13.

2.Learned counsel appearing for the petitioner would submit that the petitioner was under the control of Kanyakumari Diocese CSI and the same was having a Super Speciality Head Quarter Hospital at Neyyoor and 3 multi Speciality Branch Hospitals in Martandam, Nagercoil and Colachel. Moreover, the petitioner was also having a Dermatology and Leprosy Hospital at Colachel and also having two Nursing Colleges, two Schools of Nursing and DMLT Course approved by the Government of Tamil Nadu. While so, the second respondent issued a Government Order in G.O. Ms. No.749 dated 03.06.1993 granting permission to the petitioner to run the Certified Radiological Assistant Course with an annual intake of 20 students. Pursuant thereto, the petitioner has admitted 15 students in the course during July 2012. When they were pursuing their studies, after payment of registration fees and tuition fees etc., the first respondent without informing the petitioner, suddenly issued the impugned order requesting the petitioner not to conduct the Certified Radiological Assistant Course (CRA) for the academic year 2012-13, since the respondents have not included the Certificate Radiological Assistant Course in the prospectus for the year 2012-13 batch approved by the Government. The impugned order further shows that if any admission is made for Certified Radiological Assistant Course for the year 2012-13 in Private Para Medical Institution, the Secretary, Board of Para Medical Education, Chennai will not be held responsible for such admission. As there was no notice sent to the petitioner before issuing the impugned order, the same has to go.

3.Learned Special Government Pleader appearing for the respondents submitted that the impugned order has been issued on 12.12.2012 and as a result the petitioner has admitted 15 students and by virtue of interim order dated 02.04.2013 granted by this Court in M.P. No.3 of 2013 in W.P. No.6284 of 2013, all the 15 students have wrote the examination.

4.No counter affidavit has been filed by the respondents. Since there was no notice before admitting the students for the academic year 2012-13, this Court finds no justification to issue the surprise impugned order only on 12.12.2012, namely, in the middle of the academic year 2012-13. Moreover, this Court, by order dated 02.04.2013 permitted all the students to write the examinations with a consequential direction to the Government to do the needful to enable the 15 students to take up the ensuing examinations with a condition that the results of the examination shall be withheld until further orders. Due to

passage of time, all the students have written the examinations. Finding no error or fault on the part of the petitioner and also finding that the innocent students should not be put to any prejudice, this Court directs the respondents to declare the results and to issue certificates to the 15 students within a period of four weeks from the date of receipt of a copy of this order. The respondents are further directed to stop admitting the students for the said course. With the above directions, the writ petition stands disposed of. Consequently, connected M.Ps are closed. No costs.

Sd/-

Assistant Registrar (CCC)

//True Copy//

Sub Assistant Registrar

vga

To

1.The Director/Secretary,
Board of Para Medical Education,
King Institute of Preventive Medicine &
Research, Chennai-600 032.

2.The Principal Secretary to Government,
Health and Family Welfare Department,
Fort St. George,
Chennai 600 009.

3.The Director of Medical Education,
Kilpauk, Chennai-10.

+1cc to Mr.C.Robert Bruce, Advocate, S.R.No.86833

W.P. No.6284 of 2013 and W.M.P. Nos.
2 & 3 of 2013, 1 of 2014 and 1 & 2 of 2015

KK(CO)
GN(12/12/2019)