

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 09.04.2019

CORAM

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

W.P.No.10228 of 2019
and.M.P.No.10796 of 2019

Sri Muthukumaran Medical College,
Hospital and Research Institute,
Chikkarayapuram (Near Mangadu),
Chennai - 600 069.
Rep. by its Dean
V.S.Dorairaj

... Petitioner

vs.

1.The Tamil Nadu Dr.M.G.R.Medical University,
Rep. by its Registrar,
No.69, Anna Salai, Guindy,
Chennai - 600 032.

2.The Medical Council of India,
Rep. by its Secretary General,
Pocket-14, Sector-8,
Dwaraka Phase-I,
New Delhi - 110 077.

.. Respondents

PRAYER : Writ Petitions filed Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the first respondent to perform its statutory duties by issuing Letter of Consent of Affiliation for starting PG courses to the petitioner College, namely, Sri Muthukumaran Medical College Hospital and Research Institute, for the academic year 2020-2021.

For Petitioner : Mr.G.Masilamani, Senior Counsel
for M/s.T.Meikandan

For R1 : Mr.D.Ravichander

For R2 : Mr.V.P.Raman

O R D E R

The writ petition has been filed seeking a direction to the first respondent to perform its statutory duties by issuing Letter of Consent of Affiliation for starting PG courses to the petitioner College, namely, Sri Muthukumaran Medical College Hospital and Research Institute, for the academic year 2020-2021.

2. The case of the petitioner is that Sri Muthukumaran Educational Trust had established a Medical College in the name and style of "Sri Muthukumaran Medical College Hospital and Research Institute", Chikkarayapuram, (near Mangadu), Chennai - 69. The trust had applied for approval to the second respondent, who in turn recommended the petitioner college for approval and the Government of India issued Letter of Permission on 14.05.2010. The College had applied for affiliation to the first respondent and the same was granted for the academic year 2010-2011 on 05.07.2010.

3. The petitioner College intended to start Post Graduate Degree Courses from the academic year 2019-2020 and had submitted its proposal for Letter of Consent of Affiliation to the first respondent for the academic year 2019-2020. As the first respondent had not taken action to issue the Consent of Affiliation, the petitioner had filed W.P.No.5735 of 2018 before this Court and this Court directed the first respondent to consider the proposal of the petitioner. Thereafter, the first respondent issued Consent of Affiliation on 15.11.2018 for starting PG Course in respect of five subjects and on 13.12.2018, in respect of three subjects. When those Consents of Affiliation were submitted to the second respondent, the same was disapproved by the second respondent in view of incomplete application with an option to the Institute to apply fresh for the next academic year.

4. It is stated that the notification published in the Gazette of India on 28.01.2019, the format for issuance of Consent of Affiliation has been modified, effective from the academic year 2020-2021 and also the Consent of Affiliation is deemed to be valid for 3 years. Further, in the public notice issued by the Assistant Secretary General, Medical Council of India, it has been insisted that the Consent of Affiliation should be in the prescribed format as notified in the Government Gazette dated 28.01.2019 from the academic year 2020-2021. Since the Consents of Affiliation issued by the first respondent for the academic year 2019-2020 were not in accordance with the revised format, the petitioner college has sent a representation dated 22.03.2019 requesting the first respondent to re-issue the

Consent of Affiliation in respect of eight PG Courses in the revised format. In spite of repeated contact, the Consent of Affiliation has not been issued in the revised format till now. Hence, the petitioner college is before this Court.

5. Heard the learned counsel appearing on both sides.

6. The petitioner has now sought for the Consent of Affiliation for starting PG Courses in the petitioner college for the academic year 2020-2021. Considering the facts and circumstances of the case and the submissions made on either side, this Court, without expressing any opinion on the merits of the representation, directs the first respondent to consider the petitioner's request, which is said to have been communicated by their letter dated 08.04.2019 and pass appropriate orders, on merits and in accordance with law, after issuing notice to the petitioner and also affording them due opportunity of personal hearing on or before 30.04.2019.

7. With the above directions, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1.The Registrar,
Tamil Nadu Dr.M.G.R.Medical University,
No.69, Anna Salai,
Guindy,
Chennai - 600 032.

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

+1cc to M/s.T.Meikandan, Advocate sr.no.34536

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