

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.06.2019

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

W.P.No.18278 of 2018

Dr.G.Gunavathy

... Petitioner

Versus

1.The Union of India,  
Rep.by the Ministry of Health & Family Welfare  
Nirman Bhavan,  
New Delhi.

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

3.The Secretary,  
Tamil Nadu Medical Council,  
No.914, Poonamallee High Road,  
Arumbakkam, Chennai-600 106.

4.The Dean,  
Mahatma Gandhi Medical College  
and Research Institute,  
Pondicherry.

5.The Vice Chancellor,  
Sri Balaji Vidyapeeth,  
Declared Deemed-to be-University  
U/S of the UGC Act, 1956,  
Mahatma Gandhi Medical College Campus,  
Pondy-Cuddalore Main Road,  
Pillaiyarkuppam-607 402  
Pondicherry.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for the issue of Writ of Mandamus directing the 4<sup>th</sup> and 5<sup>th</sup> respondents to allow the petitioner to continue in the P.G.course in any one of the recognized PG clinical course in the 5<sup>th</sup> respondent college in the same registration No.6064 of the 3<sup>rd</sup> respondent herein and admit in the next academic year.

|                |                    |
|----------------|--------------------|
| For Petitioner | : No appearance    |
| For R1         | : Mr.R.Veludas     |
| For R2         | : Mr.V.P.Raman     |
| For R3         | : Mr.G.Sankaran    |
| For R4 and R5  | : Mr.L.Swaminathan |

#### O R D E R

There is no representation for the petitioner.

2. The respondents have filed a counter. In the counter filed by the fourth respondent, in which the petitioner was pursuing M.D. (Microbiology) it is stated that the allegations that the institute is un-recognised institute is denied. According to the fourth respondent, this petitioner was admitted in the year 2014 for M.D.(Microbiology) course. She discontinued of her own accord. Now with baseless allegations after four years, i.e. in the year 2018, has filed the present writ petition.

3. From the counter, it appears that at the time of admitting the petitioner in the fifth respondent institute, the course was recognised by the MCI and she was admitted within the permitted seat. It is the petitioner who discontinued the course and had come belatedly seeking re-admission. By the time, the admission rules have changed and she seems to be ineligible to get re-admission.

4. The counter filed by the fifth respondent and adopted by the fourth respondent, the reason for not entertaining the request is stated which is extracted below:-

"16.It is submitted that the writ petitioner is well aware of the fact that PG NEET examination is mandatory for any admissions to all the PG degree/ diploma (clinical and non-clinical) courses and without appearing for the NEET Examination, writ petitioner cannot seek admission to any PG Degree Course more particularly when the writ petitioner had discontinued the course on her own accord in January 2014.

17.This apart, the writ petitioner herein had shown scant respect for the letter of the Dean of the fourth respondent Medical College in directing her to join the First year course as per policy in the year 2016 and now cannot seek any admission into any PG degree course (clinical) in the fourth respondent Medical College for the commissions and omissions of the writ petitioner. In all probabilities, without appearing for PG NEET Examination, switching of PG course is highly impossible and cannot be entertained even remotely."

5. In view of the above submission, the writ petition

cannot be entertained. Hence, the writ petition is dismissed.  
There shall be no order as to costs.

Sd/-

Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar

Rpl

To

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Pondicherry.

+1cc to Mr.L.Swaminathan, Advocate, S.R.No. 49942  
+1cc to Mr.R.Subramaniyan, Advocate, S.R.No. 50534  
+1cc to Mr.R.Veludas, Advocate, S.R.No. 49913  
+1cc to Mr.V.P.Raman, Advocate, S.R.No. 49359

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SKV(CO)  
GN(22/07/2019)