



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.07.2019

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THE HONOURABLE Dr. JUSTICE G. JAYACHANDRAN

W.P.No. 21511 of 2019
& WMP.No.20715 of 2019

Samuel, N.J.David

.. Petitioner

Vs

1.The State of Tamil Nadu
Rep.by it Secretary
Department of Health and Family Welfare,
Fort St. George
Chennai-600009

2.The Secretary
Selection Committee
Directorate of Medical Education
162, Periyar E.V.R.High Road
Kilpauk, Chennai-600010

3.Christian Medical College, Vellore
Represented by it Director
Ida Scudder Road, Bagayam,
Vellore-632004.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Mandamus, directing the respondents to admit petitioner's daughter Ms.Gabriella Sharon David in the 3rd respondent institution in MBBS course for the academic year 2019-2020.

For Petitioner : Mr.Ravi Kumar Paul
Sr Counsel
for M/s.N.Zahid Ahmed

For Respondents : Mr.N.Inbanathan AGP for R1
Mr.Abdul Saleem Stc for R2
Ms.Geethi Ara for
Mr.S.Ramasubramaniam &
Associates for R3



ORDER

Heard Mr.Ravi Kumar Paul, learned counsel for the petitioner, Mr.Inbanathan, learned Additional Government Pleader for the 1st respondent, Mr.Abdul Saleem, learned counsel for the 2nd respondent and Ms.Geethi Ara for S.Ramasubramanian, learned counsel for the 3rd respondent.

2. The daughter of the petitioner participated in the National Eligibility cum Entrance Test (NEET) examination 2019 and was allotted MBBS in Velammal Medical College in Anuppanadi, Velammal Village, Madurai, under Government Quota. Later she got a seat in Christian Medical College (CMC), Vellore/3rd respondent and she was supposed to join that college on or before 19.07.2019. So in order to join the third respondent institute, she left Madurai on 15.07.2019 to Vellore. While travelling, she met with an accident and was admitted in the Kauvery Medical Hospital, Trichy and undergone surgery on 16.07.2019 and totally immobilised.

3. The case of the petitioner is that his daughter being confined in hospital as inpatient, she is not able to report before the 3rd respondent personally today i.e.19.07.2019, being the last date for joining the institute.

4. The learned counsel appearing for the petitioner would submit that the petitioner has already paid necessary fees to the third respondent and petitioner is at Vellore in the 3rd respondent campus with all the educational certificates of his daughter. Except the physical presence of his daughter, all other necessary formalities have been completed for joining the 3rd respondent institute, but if the 3rd respondent refuses to record her admission the petitioner will be put to irreparable loss and she will loss the opportunity of joining Medical Course in CMC, Vellore.

5. As far as the 3rd respondent is concerned, the counsel appearing for the 3rd respondent would submit that since the 2nd respondent has fixed 19.07.2019 as the last date for joining, if the student does not come and report in person, the seat will be carried forward to the second round of counselling. Medical/physical examination of the candidate is pre-requisite to admit the student.

6. The learned counsel appearing for the 2nd respondent would submit that considering the peculiar facts involved in this case, they have no objection for the 3rd respondent recording the admission of the petitioner's daughter herein without her physical presence.



7. In the light of the above fact, this Court directs the 3rd respondent to record the admission of the petitioner's daughter in their Institute for MBBS Course for the year 2019. The presence of her father and production of the educational certificates by her father shall be deemed to be the presence of the candidate and as soon as the candidate recovers shall report to the Institute, subject herself to medical fitness test, if any, and pursue her course. The 2nd respondent shall condone the non-appearance of the petitioner's daughter today before the 3rd respondent, being the last date of admission and recognize her admission in the 3rd respondent college.

8. With the above observation, this Writ Petition is disposed of. Consequently, connected miscellaneous petition is closed. No costs.

ska

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Secretary,
The State of Tamil Nadu
Department of Health and Family Welfare,
Fort St. George
Chennai-600009
2. The Secretary
Selection Committee
Directorate of Medical Education
162, Periyar E.V.R.High Road
Kilpauk, Chennai-600010
3. The Director,
Christian Medical College,
Vellore
Ida Scudder Road, Bagayam,
Vellore-632004.

+2cc to Mr.Zahid Ahmed, Advocate, SR.No.61816
+1cc to M/s.Ramasubramaniam & Associates, vide SR.No.9070

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Kak(19/07/2019)