



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 05.09.2019

Coram::

The Honourable Dr.Justice G.Jayachandran

W.P.No.26510 of 2019
& W.M.P.No.25875 of 2019

Saveetha Institute Technical and Medical Sciences,
(a Deemed to be University)
Rep. by its Registrar,
No.162, Poonamallee High Road,
Velappanchavadi, Chennai - 600 077.

... Petitioner

/verus/

1. The Director General of Health Services,
Ministry of Health and Family Welfare,
Government of India,
Nirman Bhavan,
New Delhi.
2. The Assistant Director General of Health Services,
Ministry of Health and Family Welfare,
Government of India,
Nirman Bhavan,
New Delhi.
3. The Secretary,
Dental Council of India,
Kotla Road,
New Delhi - 2.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying to issue Writ of Mandamus, directing the respondents herein to convert the vacant N.R.I seats into Management seats and fill up the vacancy during the 2nd mop-up counselling scheduled to be held from 5th September 2019 for the BDS course and pass such orders.

For Petitioner : Mr.P.Wilson, Senior Counsel,
for Mr.S.Saravanan

For R2 : Mr.G.Karthikeyan,
Central Government Standing Counsel

O R D E R

Heard the Learned Counsel for the Petitioner and the Learned Assistant Solicitor General of India for the 2nd respondent.

2. The case of the petitioner herein is that, the Petitioner/Institute was recognised for conducting B.D.S course duly approved by Dental Council of India for the academic year 2019-2020. The Medical Council Committee of the State has granted approval to admit 100 students out of which 10 seats have been earmarked for N.R.I candidates. After 2nd mop-up round of counselling, nine (9) N.R.I seats left un-filled and therefore, requested the 2nd respondent/Assistant Director, General of Health Services, Ministry of Health and Family Welfare, to permit the Petitioner/Institute to convert the lapsed nine (9) N.R.I seats into Management Quota seats. While the similar issue made by the private colleges were considered by the 2nd respondent and permitted those private un-aided Institutes to convert the lapsed N.R.I seats into Management Quota seats, the request of the petitioner/Institute has not been considered. Hence, the present Writ Petition.

3. After hearing the counsel for the petitioner, at the time of admission, this Court ordered the Learned Assistant Solicitor General of India, for the 2nd respondent to take notice and get instructions on the plea of the petitioner.

4. Accordingly, the Learned Assistant Solicitor General of India has reported to this Court that, after completion of 2nd mop-up round counselling for B.D.S course for the current academic year 2019-2020, the petitioner Institute has informed that nine (9) N.R.I seats are vacant and requested to convert it into Management Quota Seats and to permit them to fill those seats. Due to technical reason in the software, the said request though legally permissible could not be conveyed to the petitioner/Institute by way of an order. Hence, after the 2nd mop-up round counselling, any stray vacancy available in the Institute it can be filled up by the Management. The communication of the 2nd respondent to the Assistant Solicitor General of India Mr.G.Karthikeyan is taken into consideration and the Writ Petition is Allowed.

5. The petitioner-Institute is permitted to convert the nine (9) lapsed N.R.I seats into Management Quota and admit students, as per the admission rules and guidelines issued by the State.

6. Accordingly, the Writ Petition is Allowed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

bsm

To,

1. The Director General of Health Services,
Ministry of Health and Family Welfare,
Government of India, Nirman Bhavan, New Delhi.
2. The Assistant Director General of Health Services,
Ministry of Health and Family Welfare,
Government of India, Nirman Bhavan, New Delhi.
3. The Secretary,
Dental Council of India,
Kotla Road,
New Delhi - 2.

+lcc to M/s.S.Saravanan, Advocate Sr.76907
+lcc to M/s.G.Karthikeyan, Advocte Sr.77218

सत्यमेव जयते

W.P.No. 26510 of 2019

vsn II[co]
srg 27/09/2019

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