

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.08.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.MANIKUMAR
and
THE HONOURABLE MR.JUSTICE SUBRAMONIUM PRASAD

W.P.No.13565 of 2017
and
WMP.No.14708 of 2017

S.Sridhar

.. Petitioner

Vs.

1. State Rep. By
The Secretary to Government,
Home, Pudhucherry Government,
Pudhucherry.
 2. The Director,
Jippmer Medical College and Research Institute,
Puducherry.
 3. The Dean (Academics),
Jippmer Medical College and Research Institute,
Karaikal, Puducherry.
- .. Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India, for a Writ of Mandamus, directing the respondents to shift all the students currently studying at Karaikal Campus of JIPMER, to the main campus of JIPMER at Puducherry until the entire infrastructure facilities are established at Karaikal campus on par with the main campus of JIPMER.

For Petitioner : Mr.K.Gandhi Kumar

For Respondents: Mr.M.T.Arunan (for R2 & R3)
No Appearance (for R1)

O R D E R

(Order of the court was made by SUBRAMONIUM PRASAD, J.)

President of the "Tamilazha Vazhivurimai Katchi", a registered political party, has filed this instant writ petition for a Writ of Mandamus directing the respondent, to shift all

the students studying at Karaikal Campus of JIPMER, to the main campus of JIPMER at Puducherry until the entire infrastructure facilities are established at Karaikal campus on par with the main campus of JIPMER.

2. The petitioner states that in the year 2016, JIPMER hospital was started in Karaikal. Rupees 7.6 crores were allotted by the government. The petitioner states that even the basic facilities like X-ray, C.T, MRI scan machines are not available in the hospital and the hospital is extremely ill-equipped. The petitioner states that the hospital is not even having proper lab facility. According to the petitioner, due to lack of proper equipments and facilities, the hospital attached to the college is only running as a primary health centre. The petitioner states that since proper infrastructure facilities are not available in the college, there are agitation to transfer the students studying in Karaikal campus to the main campus, JIPMER at Puducherry.

3. On notice, the Dean, Academic JIPMER, Karaikal, Puducherry has filed a counter affidavit, wherein he has stated that the intake for the college is 50 students. Medical Council of India, has conducted proper investigation and only after satisfying that the college contains all basic facilities, necessary for granting recognition, Medical Council of India has granted recognition to JIPMER Karaikal campus. The infrastructure available at the college is given in paragraph 8, and the same reads under:-

"8. The infrastructure available at Karaikal campus is as follows:-

1. 80 acres of land in the Karaikal town.
2. 3Buildings (Arasalar Complex for Administrative and Academic Activities, Hostel Complex (Boys & Girls separately) Academic and Laboratory Complex).
3. Spacious Play Ground with Basic Sports and gymnasium facilities are provided in the hostel complex.
4. 506 bedded Govt. General Hospital of Karaikal as Hospital for the Under Graduates. To this effect an MOU was signed by the Government of Puducherry and JIPMER.
5. Sufficient, Well-equipped and spacious Students Laboratories complex,
6. Sufficient Staff and Faculty Quarters have been provided close to hostel complex,
7. Specially recruited Faculty, Staff and supporting staff etc.,
8. House Keeping and Security Services are outsourced

and work order is already issued to the Contractors.

9. Student & Staff Canteen facilities have been started.
10. Well-equipped Digital Library and Manual Library are available.
11. Faculty sitting rooms, Seminar rooms, Reading rooms etc., are available.
12. Well-equipped Lecture theatre with state of the art facilities.
13. Telemedicine facilities linking JIPMER, Puducherry Campus and other important Medical Colleges is available.

4. It is stated in the counter affidavit stated supra, that admission to main JIPMER campus, Puducherry and Karaikal campus are separate and there is no question of interchangeability. It is further stated in the counter that, even in counselling, it was made clear that the students cannot ask for transfer from Karaikal campus to Pondicherry. It is stated that the college is attached to the general hospital at Karaikal. The hospital is a 506 bedded hospital, having all the infrastructure catering the needs of a District Headquarter hospital. It has, well equipped laboratories, X- ray and CT scan facilities. Further, out of Rs.491.7 crores budget proposed for the 1st phase of JIPMER Karaikal, Rs.30 crores have been earmarked for renovation and modernisation of G.H. Karaikal to improve the clinical teaching and training standard of JIPMER students at G.H. Karaikal. Though JIPMER Karaikal has the proposal of the building, a multi-speciality hospital in the 2nd phase, G.H. Karaikal will continue to remain as the hospital for clinical training for all the speciality subjects. JIPMER faculty and residents will be posted at G.H. Karaikal to facilitate clinical teaching and training for JIPMER students at G.H. Karaikal.

5. It is further stated that JIPMER, Karaikal is running in the renovated and modernized PWD buildings at Arasalar complex and the renovated and modernized buildings at Dr.APJ Abdul Kalam complex, with all the infrastructural facilities required for starting a medical college. JIPMER has provided smart lecture class facilities, laboratory facilities including e-library and all other amenities in both the campuses to start a medical college. All the basic infrastructure and facilities for lecture classes, student laboratories and research labs for MBBS course have been provided at JIPMER Karaikal.

6. Heard the counsel for the parties.

7. A perusal of the counter affidavit shows that the college is well equipped and got its recognition from Medical Council of India. There is no reason to doubt the averments made in the counter affidavit. Further, the prayer as sought for by the writ petitioner cannot be granted, because the Medical Council of India fixes the Teacher Student ratio, in any medical college. Admitting about 50 students to JIPMER, Pondichery will affect the Teacher Student ratio, which the Medical Council of India will not permit. Medical Council of India is not a party in the present litigation. The petitioner should have approached the Medical Council of India and complained about the lack of infrastructure facility and the Medical Council of India would have either cancelled the recognition of the Karikal campus or would have suggested measures if there are any deficiencies.

8. This Court exercising the jurisdiction under Article 226 of the Constitution of India cannot grant the mandamus as prayed for by the petitioner. In any event, as stated above, there is not reason for us to doubt the correctness in the counter. Writ petition is dismissed. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

Pkn.

To

1. The Secretary to Government,
Home, Pudhucherry Government,
Pudhucherry.
2. The Director,
Jippmer Medical College and Research Institute,
Puducherry.
3. The Dean (Academics),
Jippmer Medical College and Research Institute,
Karaikal, Puducherry.

+2cc to Mr.M.T.Arunan, Advocate sr.68581 & 69037

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pa(co)
nr 09/10/2019