

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.03.2019

CORAM

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

W.P. No.29888 of 2018
and W.M.P.Nos.34897 and 34899 of 2018

The Indian Association of Phyiotherapist,
(Tamil Nadu Branch),
Represented by its Convenor/President
Dr.M.Senthilkumar (PT),
21-A, Peramanoor East Street,
Meyar Nagar,
Salem 636 007

... Petitioner

Versus

1. The Principal Secretary to Government,
Health and Family Welfare (PME-1) Department,
Secretariat, Chennai 600 009.
2. The Director of Medical Education,
No.162, EVR Periyar Salai, Kilpauk,
Chennai - 10.
3. The Additional Director of Medical Education/
Secretary Selection Committee,
Chennai 600 010.
4. The Registrar,
Tamil Nadu Dr.M.G.R.Medical University,
69, Anna Salai, Little Mount,
Guindy, Chennai - 32.
5. The Dean,
Government Kilpauk Medical College,
Kilpauk, Chennai 600 010

... Respondents

Writ petition filed under Article 226 of the Constitution of India praying for a Writ of Certiorarified Mandamus calling for the records pertaining to the G.O.Ms.No.465 dated 04.10.2018 passed by the first respondent and quash the same and consequentially issue direction directing the first respondent to follow the norms prescribed by the Director of Medical Education and in the Tamil Nadu Dr.M.G.R. Medical University (affiliation of Physiotherapy College) Statutes by considering

the petitioner's representation dated 08.09.2018.

For Petitioner : Mr.R.Marudhachalamurthy
For Respondents-1 to 3
and 5 : Mr.S.T.S.Murthy, AAG
Assisted by
Mr.V.Kadhirvelu
Special Government Pleader
(Higher Education)
For Respondent-4 : Mr.D.Ravichander

O R D E R

The petitioner-Association, rep by its Convenor, has come up before this Court challenging the G.O(Ms).No.465 dated 04.10.2018 issued by the Principal Secretary to Government, Health and Family Welfare (PME-1) Department.

2. G.O (Ms) No.465 is to the effect that the second respondent had requested the permission to start Bachelor of Physiotherapy course in Government Kilpauk Medical College, Chennai with an annual intake of 20 seats from the academic year 2018-2019, which was approved, subject to the condition that there should not be any creation of additional staff to start the course and the requirement of part time lectures shall be met from the available cadre strength. Accepting a cheque on the financial commitment, the impugned G.O. had approved only intake of 20 seats for the Bachelor of Physiotherapy Course.

3. According to the petitioner, the said G.O is issued in violation of the Tamil Nadu Dr.M.G.R.Medical University Statutes. For establishing a Physiotherapy College, there are certain requirements of land and buildings as prescribed by the Tamil Nadu Dr.M.G.R.Medical University /the fourth respondent but the said G.O. has been passed in violation of the same.

4. Mr.S.T.S.Murthy, learned Additional Advocate General appearing on behalf of the respondents 1 to 3 and 5 and Mr.D.Ravichander, who accepts notice on behalf of the fourth respondent contended that the petition filed by the Writ Petitioner is immature. The G.O. has been passed only to sanction 20 seats of Bachelor of Physiotherapy course in the fifth respondent College. It goes without saying that the same should be in compliance of the norms prescribed by the fourth respondent. Learned counsel appearing for the fourth respondent also would submit that once the College is made ready for the above said course, it would cause an inspection and unless it is satisfied with the compliance of the norms, approval/affiliation will not be granted.

5. Such being the case, the petitioner-Association is challenging the said G.O. only on mere apprehension. In fact, it is stated that the petitioner had sent a representation to the first respondent on 08.09.2018 and the same has not been considered. However, the very G.O is issued only on 04.10.2018, that is, much after the said representation. Any way, if at all the petitioner is aggrieved, if the affiliation is granted by the fourth respondent without compliance of the norms, it is open to them to challenge the same. Therefore, there is no merit in the Writ Petition as the same is premature and based on mere apprehension.

6. Accordingly, the Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS-III)

//True copy//

Sub Assistant Registrar

srn

To

1. The Principal Secretary to Government,
Health and Family Welfare (PME-1) Department,
Secretariat, Chennai 600 009.
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No.162, EVR Periyar Salai, Kilpauk,
Chennai - 10.
3. The Additional Director of Medical Education/
Secretary Selection Committee,
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4. The Registrar,
Tamil Nadu Dr.M.G.R.Medical University,
69, Anna Salai, Little Mount,
Guindy, Chennai - 32.
5. The Dean,
Government Kilpauk Medical College,
Kilpauk, Chennai 600 010

+1cc to Mr.D.Ravichander, Advocate SR.No.27578

+1cc to Mr.R.Marudhachalamurhty, Advocate SR.No.27728

+1cc to Government Pleader SR.No.27987

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PP (CO)
GMY (25/04/2019)



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