



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.10.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.SUNDAR

W.P (MD)No.21871 of 2019

and

WMP (MD) .No.18625 of 2019

M.Aamina

... Petitioner

Vs.

- 1.The State of Tamil Nadu,
represented by its Principal Secretary,
Department of Medical Education,
Secretariat, Chennai.
- 2.The Director,
The Directorate of Medical Education,
No.162, Periyar EVR High Road,
Kilpauk, Chennai.
- 3.The Secretary,
National Medical Commission
(Formerly Medical Council of India),
Section-8, Pocket-14, Phase-I,
Dwarka, New Delhi-110070.
- 4.The Chairman,
National Medical Commission
(Formerly Medical Council of India),
Section-8, Pocket-14, Phase-I,
Dwarka, New Delhi-110070.
- 5.Medical Counseling Committee(MCC).,
Government of India,
Directorate of General Health Services,
Ministry of Health and Family Welfare,
Nirman Bhawan, New Delhi.
- 6.The Selection Committee,
represented by it's Secretary,
Directorate of Medical Education,
No.162, Periyar EVR High Road,
Kilpauk, Chennai.



7.The Government Dharmapuri Medical College,
represented by it's Dean,
Nethaji Bye Pass Road,
Dharmapuri, Tamil Nadu.

8.S.Mohamed Irfan

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Declaration Declaring that placing the name of the 8th respondent in he provisional list for MBBS/BDS 2019-2020 Session (Government Quota) in the 2157th rank in the general category and 97th rank in the community category of BCM as arbitrary, illegal, unconstitutional, null and void and consequently direct the 3rd to 6th respondents to reckon the petitioner's admission in the MBBS Course for the academic year 2019-2020 based on the petitioner's score card in NEET UG 2019 and the call letter for counselling dated 11.07.2019 together with all the documents submitted by the petitioner at the time of counselling, treating the petitioner as one fulfilling all the eligible criteria for selection in the counselling for MBBS course in the 7th respondent college, in the seat allotted to the 8th respondent for the academic year 2019-2010.

For Petitioner : Ms.L.Victoria Gowri

For Respondents : Mr.Aayiram K.Selvakumar
Additional Government Pleader
for R.1, R.2, R.5 to R.7

: Mr.P.Mahendran
for Mr.V.P.Raman
Standing Counsel for R3 and R.4

ORDER

Ms.L.Victoria Gowri, learned counsel on record for writ petitioner, Mr. Aayiram K.Selvakumar, learned Additional Government Pleader, who accepts notice on behalf of respondents 1, 2, 5 to 7 and Mr.P.Mahendran, representing Mr.V.P.Raman, Standing Counsel for Medical Council of India, on behalf of respondents 3 and 4 are before this Court. To be noted, eighth respondent is a private respondent.

2. From the case file placed before this Court and from the submissions made by learned Counsel for writ petitioner, it comes to light that this writ petition can be disposed of by an order, which is not adverse to the rights of the eighth respondent in any manner. Therefore, with the consent of aforementioned learned Counsel for writ petitioner, State Counsel and Standing Counsel for Medical Council of India, main writ petition is taken up, heard out and is



being disposed of.

3. Subject matter of instant writ petition pertains to medical admission in a Medical College for the academic year 2019-2020. Writ Petitioner is an aspirant qua MBBS course and according to learned Counsel for writ petitioner, writ petitioner belongs to Backward Class Muslim community category. It is the case of writ petitioner that the admission secured by eighth respondent (private respondent) has now run into rough weather and therefore, writ petitioner is entitled to get into the slot of eighth respondent.

4. The above being the central theme of instant writ petition, there are three reasons as to why instant writ petition cannot be entertained.

5. The first reason is that the Honourable Supreme Court of India vide judgment in Mridul Dhar (Minor) and another Vs. Union of India and others reported in (2005)2 Supreme Court Cases 65, has held that 30th September is the last date upto which students can be admitted against the vacancies arising due to any reason whereas today we are on 16.10.2019.

6. Second reason / hurdle for the writ petitioner is that the seat which eighth respondent secured admission has, as of this day not been declared as vacant by the authorities concerned.

7. Third reason/point which is an impediment for the writ petitioner is, as rightly pointed out by learned State Counsel, the admission secured by eighth respondent though has run into rough weather is as of this day only at the allegation / charge stage and that does not become a verdict by itself.

8. Owing to aforesaid three reasons/ impediments which are clearly in the nature of threshold barriers, this Court is of the considered view that adverting to and delving into other averments and contentions made in the affidavit filed in support of instant writ petition will not serve any useful purpose.

9. Owing to aforesaid reasons/impediments, instant writ petition is dismissed. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is also dismissed.

Sd/-

Assistant Registrar (Crl.Side)

// True Copy //

Sub Assistant Registrar(CS)



To

- 1.The Principal Secretary,
State of Tamil Nadu,
Department of Medical Education,
Secretariat, Chennai.
- 2.The Director,
The Directorate of Medical Education,
No.162, Periyar EVR High Road,
Kilpauk, Chennai.
- 3.The Secretary,
National Medical Commission
(Formerly Medical Council of India),
Section-8, Pocket-14, Phase-I,
Dwarka, New Delhi-110070.
- 4.The Chairman,
National Medical Commission
(Formerly Medical Council of India),
Section-8, Pocket-14, Phase-I,
Dwarka, New Delhi-110070.
- 5.Medical Counseling Committee(MCC).,
Government of India,
Directorate of General Health Services,
Ministry of Health and Family Welfare,
Nirman Bhawan, New Delhi.
- 6.The Secretary,
Selection Committee,
Directorate of Medical Education,
No.162, Periyar EVR High Road,
Kilpauk, Chennai.
- 7.The Dean,
Government Dharmapuri Medical College,
Nethaji Bye Pass Road,
Dharmapuri, Tamil Nadu.

+1 CC to M/s.L.VICTORIA GOWRI, Advocate (SR-92162[F] dt.16/10/2019)
+1 CC to M/s.SPL GP (SR-92484[F] dated 17/10/2019)
+1 CC to M/s.V.P.RAMAN, Advocate (SR-92915[F] dated 18/10/2019)

W.P (MD) No.21871 of 2019
16.10.2019

JMN(11.11.2019) 4P : 11C

<https://hcservices.ecourts.gov.in/hcservices/>