

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.04.2020

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.3901 of 2019

Dr.Muni Sankar Reddy

... Petitioner

-vs-

- 1.The Secretary to Government,
Department of Human Resources and Development,
Shastri Bhavan, New Delhi-110 001.
- 2.The Secretary,
Medical Council of India (MCI)
Government of India, Noida,
New Delhi - 110 077.
- 3.The Convener,
Centralised Admission Committee (CENTAC)
Puducherry.
- 4.The Secretary to Government,
Department of Health
Puducherry.
- 5.The Director,
Directorate of Health and Family Welfare,
Puducherry.
- 6.The Principal,
Puducherry Institute of Medical Sciences (PIMS),
Puducherry.

7.Dr.Nithin Polo Joe Theckumpampil

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 6th Respondent College to take necessary action as per the directions issued by the 2nd respondent MCI to the 6th Respondent College vide MCI letter in MCI-23 (1) (MC)/2017/126239-45 dated 24.07.2017 and discharge the 7th Respondent from the M.D.Radiology Post Graduate medical degree course forthwith and provide admission to the petitioner in the 6th Respondent College in the M.D.Radiology PG Medical degree course

in the 2019-2020 academic year or in any subsequent academic year(s) .

For Petitioner : Mr.S.Arunkumar
For R2 : Mr.V.P.Raman &
Mr.Seshadri
For R6 : Mr.P.Abhisek Jenasenan
For R7 : Mr.ARL.Sundaresan
Senior Counsel

O R D E R

This Writ Petition has been filed, seeking to direct the 6th Respondent College to take necessary action as per the directions issued by the 2nd respondent MCI to the 6th Respondent College vide MCI letter in MCI-23 (1) (MC)/2017/126239-45 dated 24.07.2017 and discharge the 7th Respondent from the M.D.Radiology Post Graduate medical degree course forthwith and provide admission to the petitioner in the 6th Respondent College in the M.D.Radiology PG Medical degree course in the 2019-2020 academic year or in any subsequent academic year(s).

2. Heard the learned counsel for the Petitioner, learned Standing Counsel for R2, learned counsel for R6 / College and the learned Senior Counsel for R7, through Zoom Video Conference and perused the material documents available on record.

3. It is the case of the petitioner that though he was allotted the Post Graduation Seat in M.D.Radiology in the 6th Respondent College and was directed to pay Rs.14 lakhs (actual amount fixed by CENTAC), subsequently, he was denied admission and was demanded to pay a sum of Rs.38.5 lakhs towards fee for admission. It is the further case of the Petitioner that the 6th Respondent College immediately admitted the 7th Respondent in his place, even though R7 was not selected in the CENTAC Counselling and therefore, the said admission is violative of the MCI Regulations contemplated under Regulation 9A of the Post Graduate Medical Education Regulations, 2017. In this regard, several Writ Petitions in W.P.Nos.17325 and 31921 of 2017, etc., batch have been filed by a group of 28 affected candidates, seeking to discharge all the illegally admitted P.G.Medical students.

4. It is also the case of the petitioner that the 2nd Respondent MCI issued a direction to the 6th Respondent College vide letter dated 24.07.2017 for discharge of R7, he was not so far discharged from the Course and the petitioner was also not granted any seat in the college despite the direction issued by the 5th Respondent. In the petition, the petitioner also sought for creation of an additional seat in M.D.Radiology PG Degree

Course in the 6th Respondent College for the academic year 2019-2020. It is the grievance of the petitioner that in case no seat is allotted, he would be put to great hardships, irreparable loss and injustice.

5. Learned Counsel for the 6th Respondent / College has submitted that the petitioner was not willing to pay the fee prescribed by the Committee and hence, he was not given admission in the M.D.Radiology Course.

6. At this juncture, the learned counsel for the petitioner has stated that as the Fee Committee has already fixed the fee, the Petitioner is now prepared to pay the fee and he may be accommodated in the College in the ensuing academic year.

7. Mr.V.P.Raman, learned Standing Counsel appearing for R2 has represented that if the petitioner is meritorious, MCI has no objection in accommodating the petitioner by the 6th Respondent College in the forthcoming year within its sanctioned strength.

8. Mr.ARL.Sundaresan, learned Senior Counsel appearing for R7 has contended that the averments made by the petitioner are totally false and even though the 7th Respondent was initially selected and admitted in the 6th Respondent College, he was subsequently discharged by MCI from the course. Aggrieved by the act of the MCI, the 7th Respondent filed W.P.No.1287 of 2018 and obtained an order of interim stay and consequent to the said interim order, he has been pursuing the course. He has further contended that the 7th Respondent is going to take up his final year examinations in the course, which is scheduled to be conducted in the month of May, 2020.

9. Taking into account the submissions made by the respective parties, this Court hereby directs that the petitioner shall be accommodated in the forthcoming year in the course of M.D.Radiology, if he is otherwise eligible and meritorious, without prejudice to the contentions of parties in the connected Writ Petitions. With regard to other pleas that are raised in the present Writ Petition, it is open to the parties to agitate the same in the pending Writ Petitions.

10. Though it is doubtful whether the final year examinations will commence as scheduled on account of Corona Pandemic, there is no bar for the 7th Respondent to continue the course and attend those examinations. However, the Post Graduation Degree, to be obtained by the 7th Respondent on successful completion of the course, shall not be utilized till the disposal of other connected Writ Petitions.

11. With the above directions, this Writ Petition is disposed of. Consequently, connected miscellaneous petitions are closed. No costs.

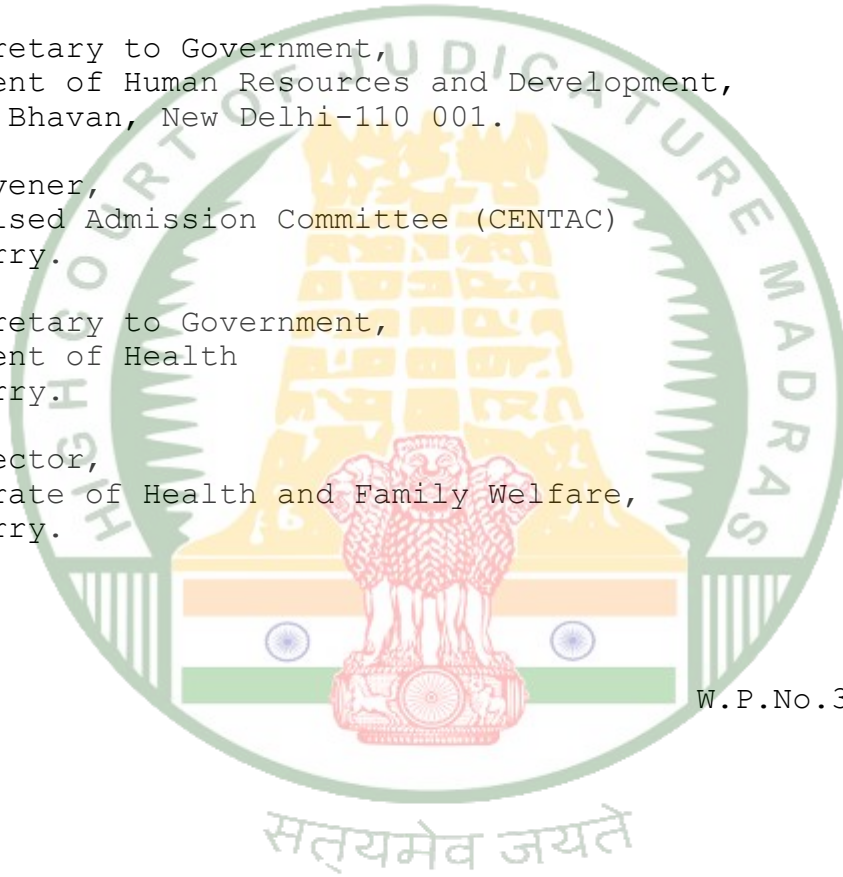
s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To:

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MG(CO)
SP(17/07/2020)

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