

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.07.2020

CORAM :

THE HON'BLE MR.A.P.SAHI, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.No.10008 of 2020

Tamil Nadu Congress Committee,
rep. by U.Balaraman
Authorised representative
having office at
Sathiyamoorthy Bhavan,
Thiru Vi Ka Salai,
Chennai, Tamil Nadu 600 002. ... Petitioner

-vs-

- 1.The Union of India,
rep. by its Secretary,
Ministry of Health & Family Welfare,
Nirman Bhawan,
New Delhi - 110 011.
- 2.The Union of India,
rep. by its Secretary,
Ministry of Human Resource Development,
No.1, West Block, Rama Krishna Puram,
New Delhi, Delhi - 110 066.
- 3.The Director,
The Directorate General of Health Services,
Nirman Bhawan,
New Delhi - 110 011.
- 4.The National Medical Commission,
rep. by its Secretary,
Pocket 14, Sector 8, Dwarka Phase I,
New Delhi 110 077.

5.National Board of Examinations,
rep. by its Director Medical Enclave,
Ansari Nagar Ring Road,
New Delhi - 110 029.

6.Dental Council of India,
rep. by its Secretary,
Aiwan-E-Galib Marg,
Kotla Road, Temple Lane,
Opp. Mata Sundari College for Women,
New Delhi - 110 002.

7.The Secretary,
Health and Family Welfare Department,
Government of Tamil Nadu,
Fort St. George, Chennai - 600 009,
Tamil Nadu State.

8.The Secretary,
Directorate of Medical Education,
156, Poonamallee High Road,
Kilpauk, Chennai - 600 010,
Tamil Nadu.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus direct on the nature of writ calling for the records pertaining to the result of NEET-PG 2020 published on 18.02.2020 by the National Board of examinations relating to the filling up of the All India Quota and quash the same and direct the Respondents to implement 50% of OBC (BC and MBC) reservations in the state surrendered seats to All India Quota seats (other than in the Central institutions) in UG, PG and Diploma Medical & Dental Courses for the year 2020-2021 in the State of Tamil Nadu as per regulation 9(iv) of The Post Graduate Medical Education (Amendment regulation), 2018 r/w. The Tamil Nadu Backward Classes, Scheduled Castes and Scheduled Tribes (Reservation of Seats in Educational Institutions and of appointments or posts in the Services under the State) Act, 1993.

For Petitioner

: Mr.E.M.S.Natchiappan
for M/s.K.Lavan

For Respondents

: Mr.R.Shankaranarayanan
Additional Solicitor Genral
assisted by
Mr.v.Chandrasekaran
SPC for respondent Nos.1 & 2

: Mr.V.Jayaprakash Narayanan
State Government Pleader
for respondent Nos.7 and 8

: Mr.V.P.Raman
for Medical Council of India

ORDER

(Order of the Court was made by The Hon'ble Chief Justice)

Heard Shri E.M.S.Natchiappan, learned counsel for the petitioner; Shri R.Shankarnarayanan, learned Additional Solicitor General for Union of India; Shri V.Jayaprakash Narayanan, learned Government Pleader for the State and Shri V.P.Raman, learned counsel for the Medical Council of India.

2. The prayer made in this petition is similar to that which was made in W.P.No.8324 of 2020 (All India Anna Dravida Munnetra Kazhagam v. Union of India and others) and other connected petitions, which have been finally disposed of on 27.07.2020.

3. Learned counsel for the petitioner has urged that in view of the provisions of Section 60 of the National Medical Commission Act, 2019, the direction given for the participation of the Secretary of the Medical Council of India may not be appropriate, inasmuch as the Medical Council of India stands dissolved.

4. We have perused the provisions of Section 60, which indicates a notification to be issued in order to announce the repeal to be made effective. There is no such notification on record and it is urged by Shri V.P.Raman, learned counsel for the Medical Council of India that it is only the Board, which has been superseded under the Medical Council Act and the Board of Governors has taken over the functions of the Medical Council

of India under the provisions of the Medical Council of India Act itself.

5. In the absence of any such notification before us, the argument advanced of the dissolution of the Medical Council of India vis-a-vis being substituted by the National Medical Commission cannot be appreciated. But, in the event any such legal impediment is experienced by the Union of India or the Director General of Health Services, it will be open to them to move an appropriate application in the said judgment itself for any such correction to that extent.

6. We dispose of this writ petition on the same terms as in our judgment in W.P.No.8324 of 2020 (All India Anna Dravida Munnetra Kazhagam v. Union of India and others) and other connected petitions, decided on 27.07.2020. No costs. Consequently, W.M.P.Nos.12166 and 12167 of 2020 are closed.

Sd/-
Assistant Registrar

//True copy//

Sub Assistant Registrar

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To:

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New Delhi - 110 011.
- 2.The Secretary,
Union of India,
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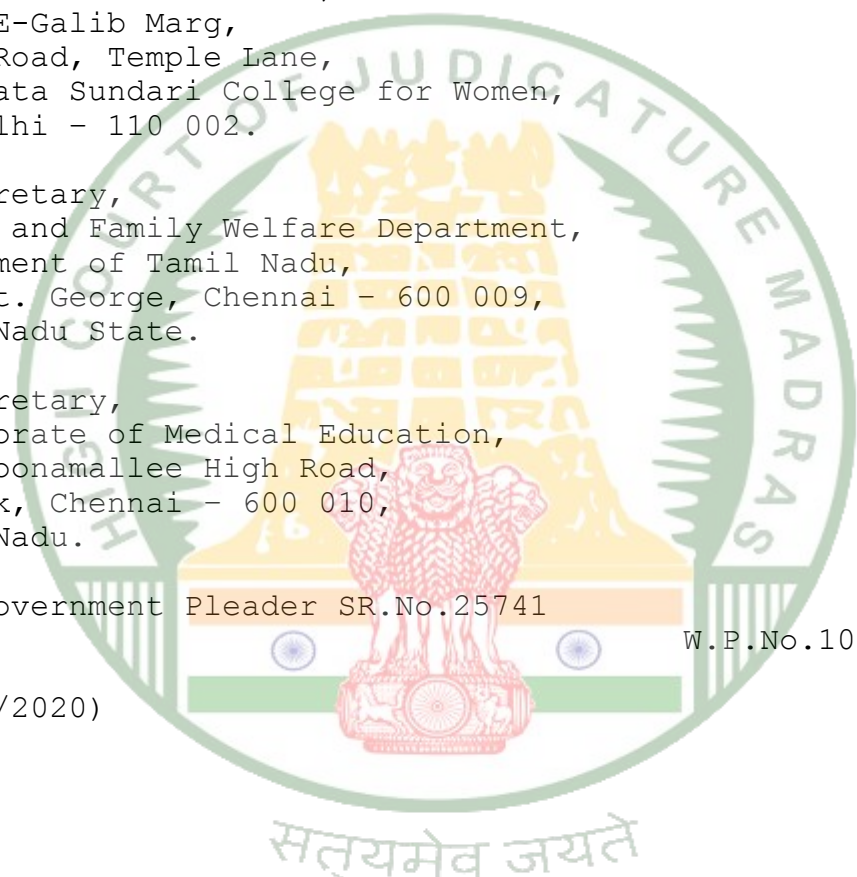
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Tamil Nadu.

+1cc to Government Pleader SR.No.25741

W.P.No.10008 of 2020

PVS (CO)
GMY (14/08/2020)



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