

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.03.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

Review Application No.14 of 2021

1 P.S.SAIRAM
2 V. VISHNUPRIYA
3 BALARISUK BYRSAT
4 K. GAYATHRI
5 ASHWINI MUTHUSAMY
6 HARITHA
7 VIDHYA MOHAN
8 PRIYADHARSHINI JEYAPRAKASH
9 HRIDYA VASUDEVAN
10 JAYASREE RAJENDIRAN
11 SNEHA SURESH
12 SREE DIVYA M
13 SRINIDHI V
14 R. AISWARYA
15 SATHIYA T
16 ARULSELVAN
17 S. PRAVINSELVAM
18 AMBUJA SEKHAR
19 J. HEMILDA PERIANAYAKI ... Petitioners

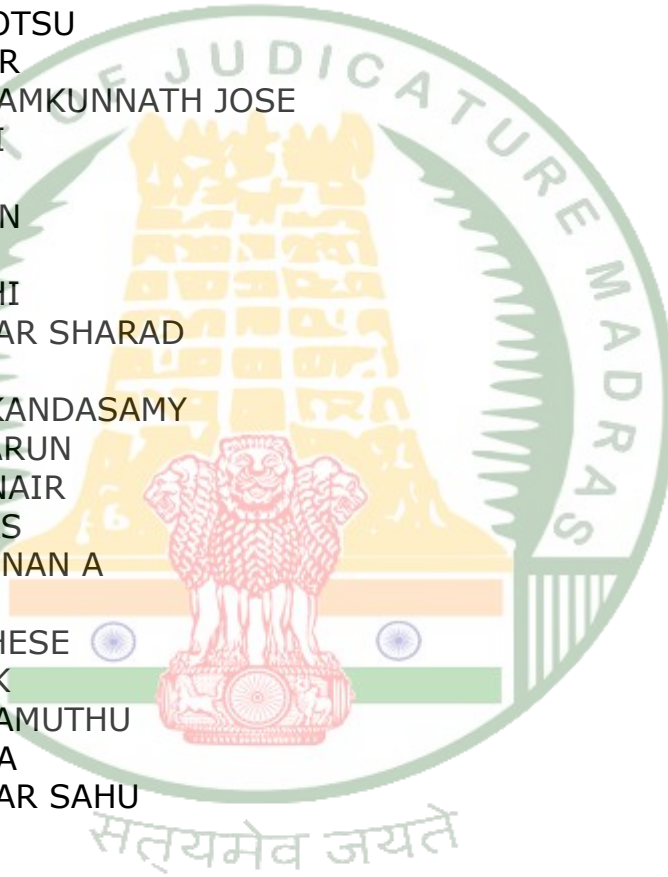
Vs.

1 STATE (GOVT. OF TAMIL NADU)
THROUGH ITS SECRETARY
DEPARTMENT OF HEALTH AND FAMILY WELFARE

SECRETARIAT CHENNAI 600 009

2 DIRECTOR OF MEDICAL EDUCATION
DIRECTORATE OF MEDICAL EDUCATION DME 156
POONAMALLEE HIGH ROAD
KILPAUK CHENNAI 600 010

3 SAAD ASLAM KHAN
4 NEIMENUO KUOTSU
5 DR.AMIT KUMAR
6 JYOTHIS PULIYAMKUNNATH JOSE
7 T.M.VAISHNAVI
8 K.KOKILA
9 MIDHUN MOHAN
10 VIJAY G
11 M.RAMYA JOTHI
12 WARANG OMKAR SHARAD
13 NEHA DHOK
14 SUGUMARAN KANDASAMY
15 ANUSREE A KARUN
16 POORNIMA K NAIR
17 UDAY SRINIVAS
18 THAMARAIKANNAN A
19 POORNIMA
20 MERIIN VARGHESE
21 MARTUM JOKIK
22 GANGA CHELLAMUTHU
23 K.SANGHEETHA
24 NISHANT KUMAR SAHU
25 POURNAMI
26 R.SRINATH
27 PRIYANKA V K
28 KETHAVATH ANITHA
29 FLAICY VARGHESE
30 SAVITHA MANOKARAN
31 CHIDAMBARAM SETHURAMAN
32 VYAS NARAYAN
33 SANJANA
34 KARTHIKA SANKAR



- 35 SUHAN DINESH NARAYAN
36 VAISHNAVI VK D/O SHRI VP KAR
37 KOCHAMI P.A
38 M.AMALA GRACE
39 NANDHINI M.V.
40 SHARADHA SUNDARARAMAN
41 HANGSHING THANGLAWMLAL
42 PRADEEP RAM
43 J.NIVEDITA
44 G.DHIVYALAKSHMIN
45 NAZIA HUSSAIN
46 SHRUTHI JAYAPAL
47 RAJESH M
48 MALAVIKA S
49 LEKSHMI MOHAN
50 KALIRAJ ALWAR MURUGARAJ
51 SUSAN JACOB
52 R.AFREEN NAHAR
53 SOUNDARYA BALAJEE
54 AJAY ABRHAM
55 THURAKA SHILPA REDDY
56 NIVETHA KAMESWARI V
57 ANN MARY ZACHARIAS
58 SARATH R S
59 KANDKURTIKAR RACHANA RAMACHA
60 G.PRASANTH
61 K.LOHIT SAI
62 SONY P S
63 TEENA K
64 VIDHYA RENGARAJU
65 C.S.SRI SUGHANYA
66 A K ROOPA
67 S.ANU
68 ANTONY THOMAS
69 DEVI KRISHNA G S
70 K.PRAVEEN
71 SUDHA JANAKY M S
72 THOMAS BABU
73 R JAY GANESH

- 74 RITIKA GAUTAM
- 75 GOKUL PRASANNAN
- 76 SWATHY RAJU
- 77 TRUPTI NARASIMHAPPA
- 78 GOMATHI V
- 79 REMAN RAJENDRAN
- 80 A SUJA RAJAN
- 81 SHRAAVAN KUMAR B S
- 82 MANOCHITHRA
- 83 SWETHA K
- 84 VIJAYARAGAVAN R
- 85 K G RAJ NIHEDAN
- 86 A. ABDUL RAHIM
- 87 AMEENA ASLAM
- 88 JITHU GEORGE
- 89 ASHWINI RAJASEKARAN
- 90 KRISHNA KUMAR S
- 91 ATCHYA ELANGO VAN
- 92 LALITHA RAJALAKSHMI
- 93 ANUSHA RAMADOSS
- 94 TREESA P VATTAKUZH I
- 95 JERRIN C JOY
- 96 ARUNA S.K
- 97 ANUPAMA S
- 98 C. MADHUMITHA
- 99 RAUT ASHWINI SANJAY
- 100 RUBU ANU
- 101 POORNIMA NAIR
- 102 T.D. VARNEIKIP CHIRU
- 103 PRASANTH J
- 104 SWATHI PRAKASH J
- 105 P. EZHIL
- 106 ROJET DAVID BINNY V
- 107 ANBARASAN S
- 108 G. NAGAPRIYA
- 109 SAI SHIVA G
- 110 MANJU MUNIYAPPA
- 111 DHIVYAA M
- 112 SWATI GUPTA

- 113 REMYA E
- 114 SHIBIN SASIDHARAN
- 115 UTPAL SUTARIA
- 116 N. SUDHA PRIYADHARSHINI
- 117 SALAHUDHEEN M
- 118 AJITHA D
- 119 SARANYA S
- 120 ABDUL LATHEEF ABDUL GAFOOR
- 121 SHIRLEY T LEIVON
- 122 S. ANBARASAN
- 123 ARJUN C
- 124 INGERSAL N
- 125 VARUN P.G
- 126 KARTAVYA KAVADYA
- 127 JERRY ABRAHAM JOSEPH
- 128 SINJU SANKAR P
- 129 ANI THAMPI
- 130 SHABIN J
- 131 SUNGANYA E
- 132 N EZHIL
- 133 LAKSHMI
- 134 REMYA PARVATHY R
- 135 BOGALA GOWTHAMI
- 136 SRUTHI R.S
- 137 INAN LOLLEN
- 138 VIVEK NAGAPPA
- 139 M SRILAXMI
- 140 DELPHIN SUPRIYA J
- 141 SARATH HARIDAS
- 142 ASWATHY B.S
- 143 JAMKHOPUM BAITE
- 144 MOHAMMED THARIQ
- 145 ANJU ROSE GEORGE
- 146 K PRAVEEN
- 147 MEGHANA SLVARAJ
- 148 R. KARTHIK
- 149 NAMITHA RAJENDRAN
- 150 ARUN GOVIND
- 151 AARUSHI MANU

152 ISHWARYA JEYAGANTHI
153 T. RAJAKUMARI
154 INSHA MEHRAJ KAK
155 ARUL MURUGAN A
156 ARUNKUMAR A
157 NIRANJANA ASOKAN
158 J. MANOJ
159 AMUTHAVALLI K
160 MOHANAPRIYA ARUMUGAM
161 JAYA JARIKA
162 MIDHUN K PRAKASH
163 KAVIYA MURUGESAN
164 GNANESHWARI P S
165 DEEPIKA M
166 HIMA SURENDRAN
167 SANJU S T
168 ARUN PRASANTH K
169 ASHWINI B
170 KUNAL KISHOR TAWARD
171 S.MURALI KRISHNAN
172 S.THALABATHIK KUMARA VIKRAM
173 SANJEEV P
174 SANJANA S
175 RAGINI RAJAN
176 NIKHIL RAJ R
177 DR.B.AGNI
178 VASANTH KARTHIKEYAN
179 ABDULLA ANCHUKANDAN
180 PC HMINGMUANPUII
181 ANWIKI KIRTHI KUJUR
182 JAMSHEER VT
183 DR. KARTHIKEYAN M
184 DR.M. MARIAM HABEEBA
185 DR. VIJAYAKUMAR .A
186 DR. ESAKKI
187 DR. SUBASHINI M.R
188 SRIRADHU V.G
189 SINDHU KALYANARAMAN
190 MEENAXI P MEHTA

191 M.Y. MOHAMD YASAR

192 REGISTRAR
THE TAMIL NADU DR. M.G.R. MEDICAL UNIVERSITY
GUINDY CHENNAI 25.

193 THE REGISTRAR
TAMIL NADU MEDICAL COUNCIL
914 POONAMALLEE HIGH ROAD
ARUMBAKKAM CHENNAI 106. ... Respondents

Prayer: Application under Order XLVII, Rule 1, read with Section 114 of Civil Procedure Code, to review the order dated 06.10.2020 made in W.A.No.799 of 2019.

For Petitioners : Mr.R.Arumugam

For Respondents 1 & 2 : Mr.T.M.Pappiah
Special Govt. Pleader

ORDER

(Made by SENTHILKUMAR RAMAMOORTHY,J)

The review applicants seek to review an order dated 06.10.2020 in a batch of writ petitions and writ appeal, wherein the lead case is W.A.No.799 of 2019.

2. The review applicants contend that the finding at paragraph 103(ii) to the effect that the conditions in the brochures for the years 2014-15 and 2015-16 do not exempt the candidates of All India Quota seats from executing a bond is an error apparent on the face of the record. In support of this contention, learned counsel for the review applicants relies upon the rejoinder of the Directorate of Medical Education which contains a statement to the effect that such a condition had not been included in the prospectus.

3. In the order under review, the Court had taken into consideration the fact that each of the review applicants and other candidates who filled up the All India Quota seats, had duly executed bonds that required them to put in two years of government service. In addition, it was noticed at paragraph 75 that an Information Bulletin for All India Post Graduates Medical Entrance Examination 2014 was provided to all the candidates and that it contained a compilation of frequently asked questions for the All India Quota. In response to question No.30, it was specified that different conditions, including the rendering of service in rural/tribal areas, may be imposed and the conditions may vary from State to State. Consequently, the

candidates were instructed to examine these aspects before opting for a seat in a medical college in a particular State. Thus, the order under review duly took into consideration, analysed and interpreted all the documents that were placed for consideration before concluding that there was no exemption for candidates of All India Quota seats as regards the execution of bonds.

4. The next contention advanced by learned counsel for the review applicants is that certificates were released to certain candidates in a discriminatory manner. This aspect has also been taken into consideration in the order under review, wherein it was concluded that such action by the authorities was contrary to the judgment delivered by the Hon'ble Supreme Court in the judgment reported in (2019) 8 SCC 607 (Association of Medical Superspecialty Aspirants and Residents v. Union of India), wherein the requirement of execution of such bonds was upheld. Learned counsel also relies upon an earlier judgment of this Court reported in (2009) 1 MLJ 1103 (Dr.S.Rajesh v. State of Tamil Nadu) wherein it was concluded that the condition of execution of bond does not apply to All India Quota seats.

This judgment was also taken into consideration in the order under review.

5. For the reasons aforesaid, the review applicants have failed to establish that there is an error apparent on the face of the record or any other sufficient ground to review the order dated 06.10.2020. Consequently, keeping in mind the limited scope of review jurisdiction, we find that the review applicants have failed to make out a case. Therefore, Review Application No.14 of 2021 is dismissed. There will be no order as to costs.

(S.B., CJ.) (S.K.R., J.)
29.03.2021

Index : Yes/No

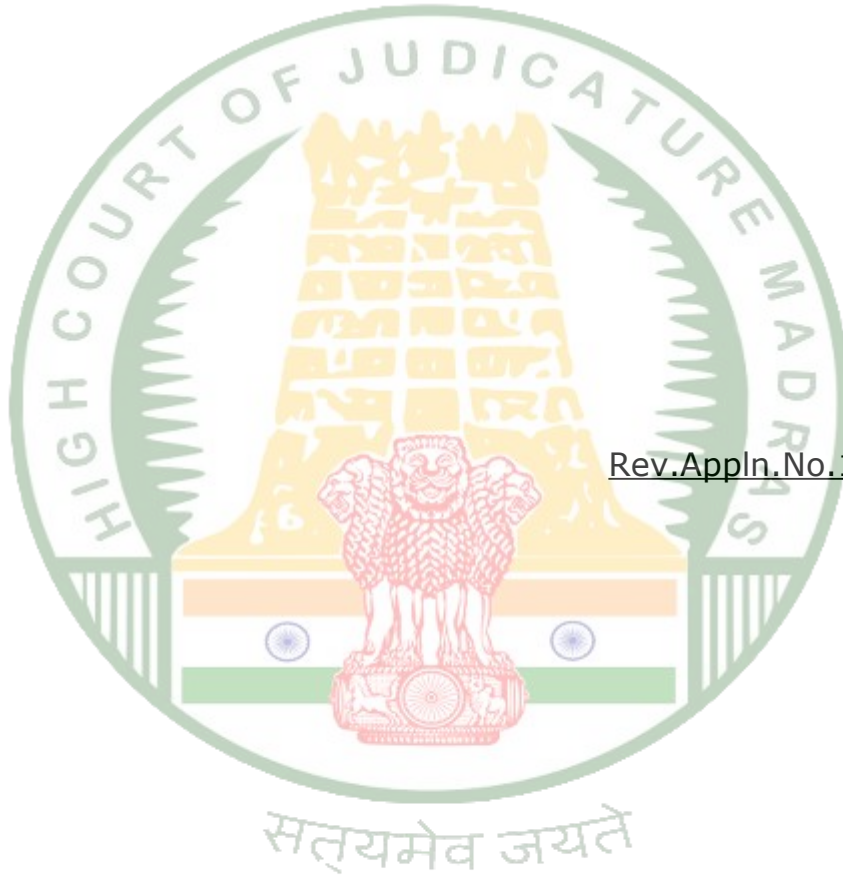
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To

- 1 THE SECRETARY
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- 2 DIRECTOR OF MEDICAL EDUCATION
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THE HON'BLE CHIEF JUSTICE
AND
SENTHILKUMAR RAMAMOORTHY, J.

(kpl)



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