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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.12.2021

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Writ Petition No.1099 of 2021

Sri Venkateshwaraa Medical College Hospital
and Research Centre,
represented by its Managing Director,
No.13-A, Pondy-Villupuram Main Road,
Ariyur, Puducherry - 605 102.

... Petitioner

vs.

1. The National Medical Commission,
represented by its Secretary,
Pocket - 14, Sector - 8,
Dwarka Phase - 1,
New Delhi - 110077.
2. Government of Puducherry,
represented by its Secretary,
Health Department,
Chief Secretariat,
Puducherry.
3. Centralized Admission Committee,
rep. by Coordinator (Admission),
Government of Puducherry,
Pondicherry Engineering College Campus,
Puducherry - 605 014.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Certiorari, calling for the records of the 1st Respondent in its order dated 24.09.2020 in Ref.No.MCI-34(MC)/308/2018-19/137 and the consequential seat matrix dated 17.12.2020 in Ref.No.1056/Health/H5/2020-21 issued by the 2nd Respondent, quash the same.

For Petitioner	:	Mr.Abishek Jenasen
For 1 st Respondent	:	Ms.Shubharanjani Ananth
For Respondents 2 & 3	:	Mr.C.T.Ramesh



O R D E R

Petitioner has come up with this Writ Petition seeking to quash the order dated 24.09.2020 passed by the 1st Respondent and the consequential seat matrix dated 17.12.2020 issued by the 2nd Respondent.

2. According to the Petitioner, they approached this Court by filing W.P.No.15095 of 2019 seeking a direction to the 2nd and 3rd Respondents herein to approve the admission of four students. Initially, an interim order was granted by this Court permitting the students to attend M.B.B.S. Examination. However, the said Writ Petition came to be dismissed by an order dated 11.03.2019, holding that, the Petitioner ought not to have filled up the four vacant seats, since it did not have authority to do so. Further, this Court directed the 1st Respondent herein to initiate action against the Petitioner under clause 5(7) of the Regulations and further directed the Petitioner to refund the entire amount received from the four students at the time of admission in addition to directing the Petitioner to pay a sum of Rs.1,00,000/- as compensation to the students. As per the direction of this Court, the Petitioner surrendered four seats for the academic year 2020-2021 and paid the fine amount. Thereafter, the Petitioner made a detailed representation to the 1st Respondent on 19.10.2020 and another representation dated 24.10.2020 to the Ministry of Health and Family Welfare, Government of India, requesting to reconsider the punishment. As there is no response to the same, the Petitioner is before this Court with the above Writ Petition.

3. Learned counsel for the Petitioner that, it would suffice if a direction is issued to the 1st Respondent herein to consider the Petitioner's representation dated 19.10.2020 in accordance with law and pass appropriate orders within a stipulated time.

4. Learned counsel appearing for the 1st Respondent submitted that, without interfering with the orders impugned in this Writ Petition, this Court may issue a direction to the 1st Respondent to consider the Petitioner's representation within a reasonable time.

5. Considering the facts and circumstances of the case and taking note of the submissions made by the learned counsel on either side, this Court directs the 1st Respondent herein to consider the Petitioner's representation dated 19.10.2020 in accordance with law, and pass appropriate orders after affording an opportunity of hearing to the Petitioner, within a period of four weeks from the date of receipt of a copy of this order.



The Writ Petition is disposed of accordingly. No costs. Consequently, connected W.M.P.Nos.1216 to 1218 of 2021 are closed.

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Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

(aeb)

To:

1. The Secretary,
National Medical Commission,
Pocket - 14, Sector - 8,
Dwarka Phase - 1,
New Delhi - 110077.
2. The Secretary,
Government of Puducherry,
Health Department,
Chief Secretariat,
Puducherry.
3. The Coordinator (Admission),
Centralized Admission Committee,
Government of Puducherry,
Pondicherry Engineering College Campus,
Puducherry - 605 014.

+2 ccs to Mr.Abishek Jenasenan, Advocate Sr.NO. 68854
W.P.No.1099 of 2021

rld(CO)
A.SK(19.01.2022)