

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.07.2021

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA
and
THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

W.A.Nos.1623, 1625, 1627 and 1628/2015 and M.P.No.1/2015 in all
W.As. And M.P.No.2/2015 in W.A.Nos.1625 and 1628/2015

W.A.No.1623/2015 :

Dr.Baranivelan ...Appellant

-vs-

1. Dr.M.Narendran
2. The Director of Medical Education,
Kilpauk, Chennai-600 010.
3. The Selection Committee,
Director of Medical Education,
Kilpauk, Chennai-600 010.

4. Dr.B.Sridhar ...Respondents

Prayer: Writ appeals filed under Clause 15 of the Letters
Patent against the Common Order dated 30.09.2015 made in
W.P.No.23198/2015 by a learned Single Judge of this Court.

W.A.No.1625/2015 :

Dr.Baranivelan ...Appellant

-vs-

1. Dr.K.Satheshkumar
2. The Director of Medical Education,
Kilpauk, Chennai-600 010.
3. The Selection Committee,
Director of Medical Education,
Kilpauk, Chennai-600 010.

4. Dr.B.Sridhar ...Respondents

Prayer: Writ appeals filed under Clause 15 of the Letters Patent against the Common Order dated 30.09.2015 made in W.P.No.23199/2015 by a learned Single Judge of this Court.

W.A.No.1627/2015 :

Dr.K.Sathish Kumar

...Appellant

-vs-

1. Dr.K.Dinesh Kumar

2. The Director of Medical Education,
Kilpauk, Chennai-600 010.

3. The Selection Committee,
Director of Medical Education,
Kilpauk, Chennai-600 010.

4. Dr.M.Srinivasan

...Respondents

Prayer: Writ appeals filed under Clause 15 of the Letters Patent against the Common Order dated 30.09.2015 made in W.P.No.24615/2015 by a learned Single Judge of this Court.

W.A.No.1628/2015 :

Dr.K.Sathish Kumar

...Appellant

-vs-

1. Dr.R.V.Sugi Subramaniam

2. The Director of Medical Education,
Kilpauk, Chennai-600 010.

3. The Selection Committee,
Director of Medical Education,
Kilpauk, Chennai-600 010.

4. Dr.M.Srinivasan

...Respondents

Prayer: Writ appeals filed under Clause 15 of the Letters Patent against the Common Order dated 30.09.2015 made in W.P.No.24616/2015 by a learned Single Judge of this Court.

Common Order in W.P.No.23198, 23199, 24615 and 24616 of 2015:

Petitions in W.P.No.23198 and 23199 of 2015 are filed under Article 226 of The Constitution of India praying to issue a writ of mandamus to forbear the respondents 1 and 2 from selecting respondents 3 and 4 for admission to Higher Speciality Course of D.M., (Cardiology) without insisting certificate for completion of two years mandatory Bond service as per Clause 4 (b) of the Prospectus for 2015-16 session issued by the second respondent and consequently, select the petitioners for admission to the Higher Speciality Course of D.M., (Cardiology) based on merit and ranking in the selection list published on 16.04.2015 in accordance with Prospectus.

Petitions in 24615 and 24616 of 2015 are filed under Article 226 of The Constitution of India praying to issue a writ of mandamus to direct the respondents 1 and 2 to make selection for admission to Higher Speciality Course of M.Ch., (Surgical Gastroenterology) in compliance to Clause 5(b) of Prospectus for admission to three years Higher Speciality Course in Tamil Nadu 2015-16 session and consequently, direct the respondents 1 and 2 to cancel the selection of respondents 3 and 4 for admission to Higher Speciality Course in Surgical Gastroenterology with further direction to direct the respondents 1 and 2 to select the petitioners for admission to the Higher Speciality Course of M.Ch., (Surgical Gastroenterology) based on merit and ranking in the selection list published on 16.07.2015 in accordance with Prospectus.

In all W.As.

For Appellants : Mr.S.R.Rajagopal,
Senior Counsel

For respondents : Mr.G.Sankaran for R1
Mr.T.Arunkumar,
Government Advocate for R2 & R3

Mr.G.T.Subramanian for R4.

COMMON JUDGMENT

(Judgment of the Court was pronounced by T.RAJA.J)

These Writ Appeals have been directed against the Common Order made in W.P.No.23198/2015 etc. batch dated 30.09.2015 by a learned Single Judge of this Court.

2. The Writ Petitions in W.P.Nos.23198 and 23199/2015 have been filed seeking to issue a Writ of Mandamus under Article 226 of the Constitution of India forbearing the respondents 1 and 2

therein from selecting the private respondents for admission to Higher Specialty Course of D.M. (Cardiology) without insisting certificate for completion of two years mandatory Bond Service as per Clause 4(b) of the Prospectus for 2015-16 session issued by the 2nd respondent with a consequential direction, directing to select the writ petitioners for admission to the Higher Specialty Course of D.M. (Cardiology) based on merit and ranking the selection list published on 16.07.2015 in accordance with prospectus whereas W.P.Nos.24615 and 24616/2015 have been filed by the petitioners seeking admission to Higher Specialty Course of M.Ch. (Surgical Gastroenterology), being non-service candidates. The said writ petitions were ordered on the ground that the petitioners have complied with the condition mentioned in the Clause 5(b) of the Prospectus. However, it has been further held that for the mistake committed by the official respondents, the private respondents also cannot be made to suffer because they have been admitted in the said courses and after joining the said courses in some other institutions, they were also permitted to write the examinations. Therefore, considering the peculiar facts of the case, the writ court directed the official respondents to permit the private respondents also to continue the said courses subject to the approval to be given by the Medical Council of India. Aggrieved by the same, the present Writ Appeals came to be filed.

3. When these writ appeals were taken up for hearing, learned Senior Counsel for the appellants informed us that the appellants have also completed their higher specialty course of D.M.Cardiology and Surgical Gastroenterology and they have also been issued with necessary certificates by the Medical Council of India. Therefore, as both the appellants and the private respondents have completed and parted with their certificates, nothing survives for further adjudication in these Writ Appeals and recording the same, the Writ Appeals may be disposed of.

4. Recording the said statement of the learned Counsel for the appellants, the Writ Appeals are dismissed. No costs. Consequently, connected Miscellaneous Petitions are also closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Director of Medical Education,
Kilpauk, Chennai-600 010.

2. The Selection Committee,
Director of Medical Education,
Kilpauk, Chennai-600 010.

+1 CC to The Government Pleader, Sr 36585.

W.A.Nos.1623, 1625, 1627, 1628/2015

AK-II (CO)
LS(19/08/2021)