

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 17.2.2021

CORAM

THE HON'BLE MR.JUSTICE B.PUGALENDHI

W.P.No.2346 of 2021

P.Sabari Ganesh

... Petitioner

vs.

1. Union Territory of Puducherry,
rep. by Secretary to Government,
Health Department,
Secretariat, Beach Road,
White Town, Puducherry 605 001.
2. Centralised Admission Committee (CENTAC),
rep. by Coordinator,
PEC Campus, ECR Road, Pillaichavadi,
Puducherry 605 014.
3. The National Medical Commission,
rep. by its Secretary,
Pocket-14, Sector-8,
Dwaraka Phase-I, New Delhi 110 077. Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the second and third respondents to consider the petitioner's hardship and genuine claim and accommodate him by passing appropriate orders to accommodate the petitioner in any Medical College to pursue the MBBS Course that come under its purview within a limited time frame as deemed by this court.

For Petitioner : Mr.M.Ravi for Mr.S.Senthil

For R1 : Mr.Ravichandran, AGP (P)
For R3 : Mr.V.P.Raman

ORDER

The petitioner secured Admission in the MBBS Course in a private Medical College viz., Venkateswaran Medical College in the final round of filling up of stray vacancies. The Centralised Admission Committee (CENTAC), the second respondent

herein referred certain candidates in 1:10 ratio for the final round of filling up of stray vacancies and the said private College admitted the petitioner and 3 others without any reference from the CENTAC and therefore, the second respondent had issued a direction to the said private Medical College to discharge the petitioner and others.

2. The private Medical College challenged the orders of the third respondent before this court in W.P.No.15095 of 2019. The petitioner and 3 others, who have been discharged, were permitted to continue the Course and also to appear for the examinations, however, the said Writ Petition was, ultimately, dismissed by order dated 11.3.2020. In the meantime, the Petitioner and 3 others have completed two years of MBBS Course. One Mahesh and Shri Preethi, who were similarly discharged, have also filed a Writ Appeal in W.A.No.500 of 2020 as against the orders passed in W.P.No.15095 of 2019 and the private college had filed a Writ Appeal in W.A.No.494 of 2020 and the First Bench of this court, by a common judgment dated 13.8.2020, dismissed both the Appeals filed by the private Medical College and the students.

3. As against the order passed by this court W.A.No.500 of 2020 dated 13.8.2020, the other students namely Mahesh and Shri Preethi have filed S.L.P.No.11319 of 2020 and the same was dismissed by order dated 14.10.2020, however a liberty was provided to the petitioners to make a representation to the CENTAC to accommodate them in any other Medical College considering the fact that the petitioners have completed 2 years OF MBBS course pursuant to the interim order passed by this court.

4. The relevant portion of the order passed in S.L.P.No.11319 of 2020 dated 14.10.2020 is extracted hereunder:-

"However, liberty is given to the petitioners to make a representation to the National Medical Commission and the CENTAC authorities to accommodate them in any other Medical College. The National Medical Commission and the CENTAC authorities are directed to consider the representation of the petitioners for being accommodated in any other Medical College by keeping in mind that they have already completed two years of the course."

5. The case of the petitioner in this writ petition is that he is also similarly placed to that of Mahesh and Shri Preethi, the petitioners in SLP No.11319 of 2020 and therefore, by referring the said order of the Hon'ble Supreme Court, the

petitioner made a representation to the CENTAC and National Medical Commission, respondents 2 and 3 herein. In response to the representation of a similarly placed another student, the CENTAC had issued a reply dated 11.1.2021 that the subject of accommodation of the students is only within the purview of National Medical Commission. The petitioner has also made a representation to the third respondent National Medical Commission on 31.10.2020, but the same has not been considered and therefore, this writ petition is filed for a mandamus directing the third respondent to consider the petitioner's representation and to accommodate him in any other Medical College.

6. Mr.M.Ravi, learned counsel appearing for the petitioner, by referring the orders of the Hon'ble Supreme Court, made a submission that that petitioner's case is similar to that of the petitioners in S.L.P.No.11319 of 2020 and therefore the present petitioner is also entitled for such a relief as per the ratio laid down by the Hon'ble Supreme Court of India in Inder Paul Yadav and others vs. Union of India and others (1985 SCC (2) 648). He also referred to a communication by the Ministry of Health and family welfare Department New Delhi dated 14.12.2020 wherein the Department has made a request to the Secretary National Medical Commission to take appropriate action in the matter as directed by the Hon'ble Supreme Court in S.L.P.No.11319 of 2020 dated 14.10.2020.

7. Mr V.P.Rahman learned counsel appearing for the third respondent submits that if any representation is received from the petitioner, it would be considered by the National Medical Commission in accordance with law.

8. Therefore, this writ petition is disposed of with a direction to the petitioner to submit a fresh representation forthwith along with the orders of this court and the orders of the Hon'ble Supreme Court with other relevant documents, if any, that the present petitioner is also similarly placed with that of the petitioners in S.L.P. No.11319 of 2020, the third respondent shall consider the same in accordance with the law and in the light of the orders passed by the Hon'ble Supreme Court in S.L.P.No.11319 of 2020 within a period of three weeks from the date of receipt of the representation from this petitioner. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

To

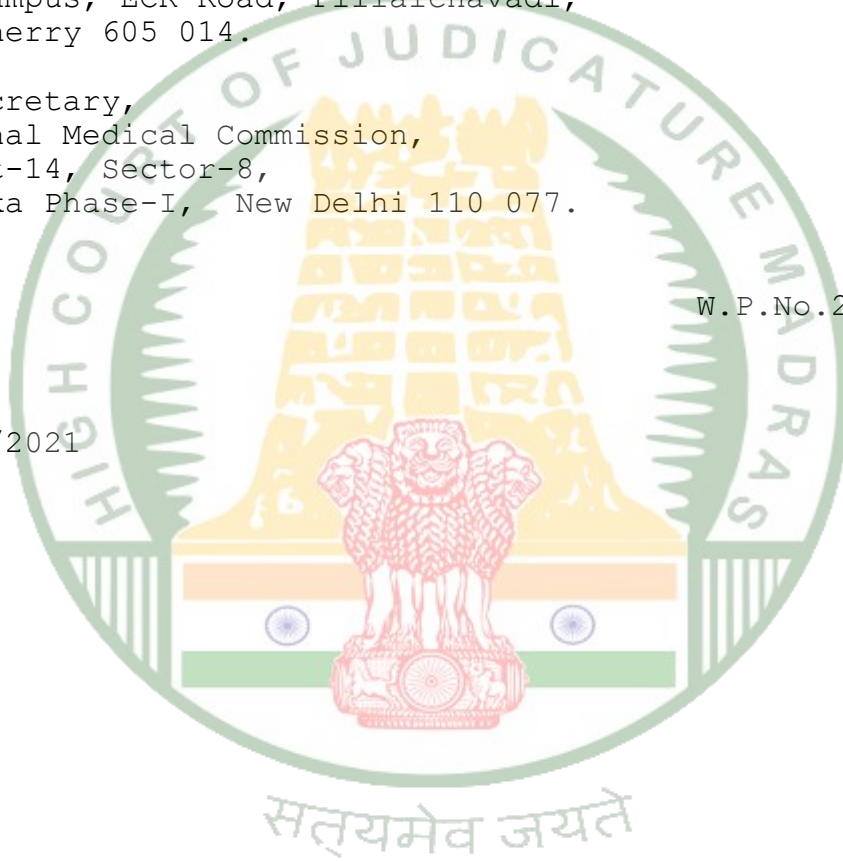
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