



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.07.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN
AND
THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

W.A.NO.732 OF 2021
AND
C.M.P.NOS.3983 AND 3984 OF 2021

Sri Manakula Vinayagar Medical College and Hospital,
Represented by its Dean,
Dr.Karne R.N.,
Kalitheerthalkuppam,
Madagadipet,
Puducherry - 605107.

... Appellant/Writ Petitioner

.Vs.

1. Union of India,
Rep. by its Secretary to Government,
Department of Health and Family Welfare Services,
New Delhi - 110 011.
2. The Secretary,
Medical Council of India,
Pocket-14, Sector-8,
Dwarka Phase-I,
New Delhi - 110 077.
3. The Chief Secretary,
Government of Pondicherry,
Chief Secretariat,
Pondicherry.
4. The Secretary to Government (Health),
Chief Secretariat (Health),
Government of Puducherry,
Puducherry - 605 001.
5. The Under Secretary to Government (Health),
Chief Secretariat (Health),
Government of Puducherry,
Puducherry - 605 001.



6. The Director,
Directorate of Health and Family
Welfare Services (DHFWS),
Victor Samuvel Street,
Puducherry - 605 001.

7. The Convenor,
Centralized Admission Committee (CENTAC),
Pondicherry Engineering College Campus,
Pillaichavadi, Puducherry - 605 014.

8. The Registrar (Academic),
Pondicherry University,
R.V.Nagar, Kalapet, Pondicherry.

9. The Deputy Registrar (Academic),
Pondicherry University,
R.V.Nagar, Kalapet,
Pondicherry.

... Respondents/Respondents

PRAYER:- Appeal filed under Clause 15 of Letters Patent Act, praying to set aside the order passed by the Learned Single Judge dated 07.10.2020 passed in W.P.No.8473 of 2020 on the file of this Court and allow the Writ Appeal.

Prayer in W.P.No.8473 of 2020:-

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, call for records pertaining Impugned Order passed by the Nineth respondent vide Ref.No.PU/Ace-7/reog/SMVMC & H-PG/2017-18/194 dated 15.02.2018, and quash the same, and consequently direction respondents 8 and 9 to approve/recognize the admission of those students, whose admission was not recognized in the impugned order of the 9th respondent, admitted in the PG Course in various speciality for the academic year 2017-2018, in the petitioner institution, enabling to peruse their course and appear for the exams in future.

For Appellant : Mr.B.Balavijayan

For Respondents : Mr.C.T.Ramesh (For R3 to R7)
Additional Government Pleader
(Puducherry)

Mr.V.P.Raman (For R2)

Mr.Rabu Manohar (For R8 & R9)

Mr.V.Chandrasekaran (For R1)



J U D G M E N T

(Judgment of the Court was delivered by N.KIRUBAKARAN, J)

The matter has been heard through "Video Conference".

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2. The impugned order before the Learned Single Judge was passed by the Pondicherry University denying recognition to two students, who are pursuing their course in the Appellant Institution, as their admissions have been made without sponsorship of the Central Administrative Committee (hereinafter referred to as 'CENTAC' for short). After hearing all parties, the Learned Single Judge upheld the order passed by the Pondicherry University, as there was no sponsorship of the CENTAC to those students. The said order is challenged before this Court by way of this Appeal.

3. Heard Mr.B.Balavijayan, Learned Counsel for the Appellant, Mr.V.Chandrasekaran, Learned Counsel appearing for the First Respondent, Mr.C.T.Ramesh, Learned Additional Government Pleader (Puducherry) appearing for the Third to Seventh Respondents, Mr. V.P.Raman, Learned Counsel appearing for the Medical Council of India/National Medical Commission, Mr. Rabu Manohar, Learned Counsel appearing for the Pondicherry University, and perused the materials placed on record.

4. The students, who have been admitted without sponsorship of the CENTAC already wrote the final year examinations and are awaiting their results. Nevertheless, the services of the students, who have been admitted improperly, has been utilized for treating corona patients during the years 2019-20 and 2020-21. If the impugned order is allowed to be given effect, then

1. The students, who have been admitted without sponsorship of the CENTAC, would lose their degrees in PG course, which they already underwent for the past three years and wrote their final examinations and are awaiting the results;
2. Medical education imparted to those students for the past three years would be a waste and nobody would be benefitted.
3. The society would lose the services of medically trained post graduate Doctors. Even though the students have been discharged by the Medical Council of India on the ground that they have not been sponsored by the CENTAC, it is a fact that they are all NEET qualified candidates.



5. Even though Learned Counsel appearing for the National Medical Commission would submit that the discharged students have been admitted in violation of the procedure, the reasons given in the above paragraph, would take care of the submission made. No doubt, the students have been admitted in violation of the procedure and they cannot be found fault with for the said violation and only the institution has to be found fault with.

6. While passing this judgment, this Court also takes into consideration of the order passed by the Hon'ble Supreme Court of India in W.P. (Civil) No.40 of 2018, wherein, while dealing with improper admission of M.B.B.S. Students in Medical Course, the Hon'ble Apex Court permitted those students to continue their education, who have already completed their 2 years course observing that nothing would be achieved by sending them out of the institution.

7. In view of the above position also, the rights of the students have to be safeguarded. Therefore, the impugned order, which refused to grant recognition to the students from the Pondicherry University terming their admission as illegal or improper, is set aside for the reasons stated above. Penalty imposed by the Learned Single Judge payable in favour of Covid-19 Relief Fund, Puducherry is sustained.

8. With the above directions, this Writ Appeal is disposed of. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

Maya

To

1. The Secretary to Government,
Department of Health and Family Welfare Services,
New Delhi - 110 011.
2. The Secretary,
Medical Council of India,
Pocket-14, Sector-8,
Dwarka Phase-I,
New Delhi - 110 077.



3. The Chief Secretary,
Government of Pondicherry,
Chief Secretariat, Pondicherry.
4. The Secretary to Government (Health),
Chief Secretariat (Health),
Government of Puducherry,
Puducherry - 605 001.
5. The Under Secretary to Government (Health),
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R.V.Nagar, Kalapet, Pondicherry.

Copy To:

1. The Chief Judge,
Puducherry.
(Covid - 19 Relief Fund, Puducherry)
2. The Government Pleader,
Puducherry.

+1cc to Mr.Rabu Manohar, Advocate, S.R.No.36496
+1cc to M/s.Shubharanjani Ananth, Advocate, S.R.No.37006
+1cc to Mr.B.Balavijayan, Advocate, S.R.No.37019

W.A.NO.732 OF 2021

SRA (CO)
PM/14/09/2021