

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:31.03.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.No.5817 of 2020

N.Rajasekaran

... Petitioner

Vs

- 1 The Government of Tamilnadu
Represented by Chief Secretary
Fort St.George Chennai -600 009
 - 2 The Government of Tamilnadu
Represented by Secretary to Government
Health and Family Welfare (MCA2) Department
Fort.St. George Chennai - 600 009
 - 3 The Chief Engineer (Buildings
cum Nodal officer) Chennai Zone Public
Works Department Chepauk
Chennai - 600 005
 - 4 The Superintending Engineer
Public Works Department Buildings
Construction and Maintenance Circle Medical
Works Trichy -1
 - 5 The Superintending Engineer
Public Works Department Buildings
Construction and Maintenance Circle
Medical Works, Madurai -2.
 - 6 The Medical Council of India
Pocket -14 Sector -8 Dwaraka Phase -I
New Delhi -110 077
 - 7 The Government of India
Ministry of Health and Family Welfare
Represented by its Secretary
New Delhi - 110 011
- ... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents herein to constitute a committee to supervise as to whether the construction work is made as per the norms fixed by the 6th respondent herein in respect of construction of buildings for all the new upcoming Government Medical Colleges in the State of Tamilnadu to start functioning from the academic year 2021-2022 in pursuance of the representation of the petitioner dated 23.01.2020.

For Petitioner : Mr.N.Rajasekaran,
Party-in-person

For Respondents : Mr.G.K.Muthukumar,
Spl.G.P. For respondents 1 to 5
Ms.Shubbaranjani Ananth,
for 6th respondent
(Standing Council for Medical Council)

ORDER

(made by the Hon'ble Chief Justice)

The petition, styled as a public interest litigation, has been filed seeking a writ in the nature of mandamus for the construction of medical colleges to be set up in the State as per the norms fixed by the sixth respondent National Medical Commission. The prayer also refers to the petitioner's representation of January 23, 2020 for such representation to be adhered to for the purpose of undertaking the construction. Counter-affidavits have been filed by the Medical Commission and by the third respondent Chief Engineer.

2. It is submitted on behalf of the State that the petitioner relies on the erstwhile norms of the year 2010 fixed by the then Medical Council of India pertaining to construction of medical colleges. According to the State, the norms were altogether changed in 2018 and the constructions that have been undertaken in the State recently conform to the 2018 norms. It is the further submission of the State that in 2020, the norms have been somewhat altered by the Medical Commission and every attempt is being made to adhere to the latest norms by altering the construction to the extent possible.

3. There is no doubt that the Medical Commission will also oversee the construction work and the final permission for the medical colleges to operate has to be issued by the Medical Commission upon being satisfied that the construction and other

facilities are in accordance with the norms and what may otherwise be required.

4. It is evident that subsequent events have overtaken the petition and the petitioner's representation for the norms of the year 2010 to be followed can no longer be of any relevance.

5. It is good that a public minded citizen has drawn the attention of the Court to the norms required to be followed in constructing a medical college or the buildings for such purpose, but the State authorities and the Medical Commission have to be left free to proceed with the project without any hindrance or interference.

6. Accordingly, W.P.No.5817 of 2020 is disposed of by directing the State authorities to construct the buildings for the proposed national medical colleges to be set up in the State strictly in accordance with the applicable norms of the Medical Commission. It will be open to the Commission to depute personnel to inspect the nature of the construction on a periodic basis, if the commission so desires.

7. The medical commission has indicated that the State has to make an application to the medical commission for permission and ultimate license to commence the medical colleges. The State should make such applications as expeditiously as possible and upon complying with all the applicable norms.

8. There will be no order as to costs.

Sd/-
Assistant Registrar(CS III)

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Sub Assistant Registrar

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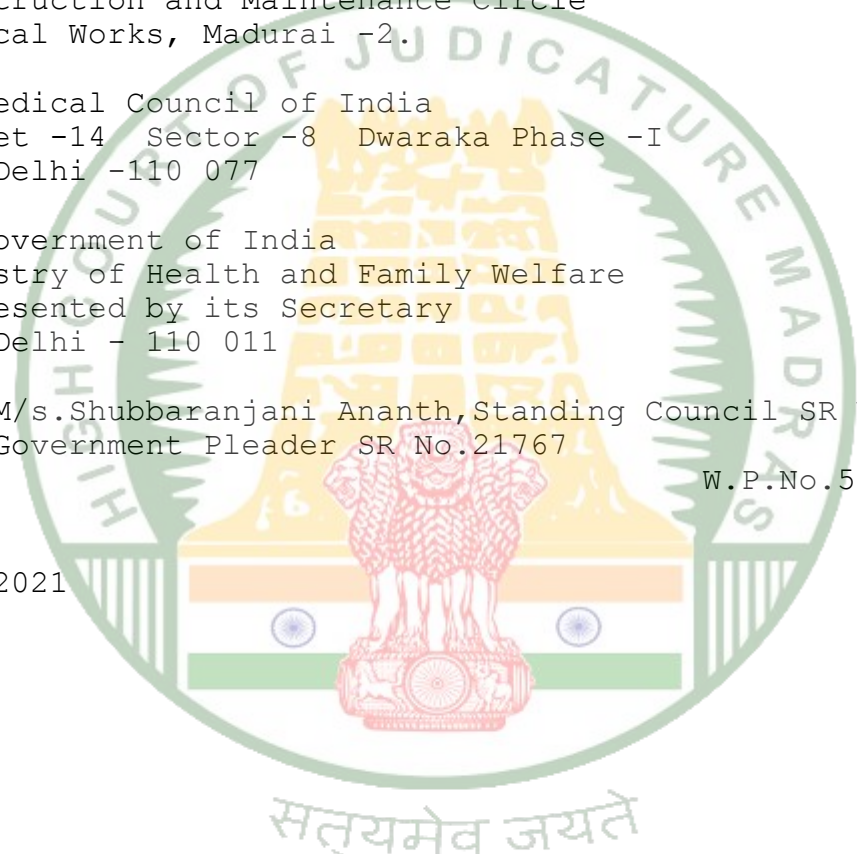
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Represented by its Secretary
New Delhi - 110 011

+1 CC to M/s.Shubbaranjani Ananth, Standing Council SR No.21345
+1 CC to Government Pleader SR No.21767

W.P.No.5817 of 2020

RLD(CO)
RG.19/04/2021



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