



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 06.12.2021
CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.19963 of 2019

And

W.M.P.Nos.19466 and 19470 of 2019

J.Irene Gladis

... Petitioner

Vs.

1.The Principal Secretary to Government,
Health and Family Welfare Department,
State of Tamil Nadu,
Fort St.Geroge,
Chennai - 600 006.

2.Tamil Nadu Dr.M.G.R. Medical University,
Rep. by its Registrar,
No.69, Anna Salai,
Guindy, Chennai - 600 032.

3.The Addl. Director of Medical Education/
Secretary of Selection Committee,
Admission to MBBS/BDS Courses 2018 - 2019 Session,
Directorate of Medical Education,
No.162, E V R Periyar Salai,
Kilpauk, Chennai - 600 010.

4.The Medical Council of India,
Rep. by its Secretary,
Pocket - 14, Sector - 8,
Dwaraka Phase - 1,
New Delhi - 110 077.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Declaration declaring the prospectus for admission to MBBS/BDS Degree Courses in Tamil Nadu Government Medical/Dental Colleges for the 2019-2020 Session in Government Quota as amended from time to time, to declare clause 4 Non-eligibility criteria (a) as unconstitutional, null and void and not valid in law and consequently direct the 2nd Respondent to issue No Objection Certificate to the petitioner as per Clause 4(b).



WEB COPY

For Petitioner : M/s.S.D.Venkateswaran

For Respondents : Mr.S.Suresh Kumar for R1
Government Advocate
M/s.Ramalingam and Associates for R2
Mr.Abdul Saleem for R3
Ms.Shubharanjani Ananth for R4
Standing Counsel

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Declaration declaring the prospectus for admission to MBBS/ BDS Degree Courses in Tamil Nadu Government Medical/ Dental Colleges for the 2019 - 2020 Session in Government Quota as amended from time to time, to declare clause 4 Non-eligibility criteria

(a) as unconstitutional, null and void and not valid in law and consequently direct the second Respondent to issue No Objection Certificate to the petitioner as per Clause 4(b).

2.The learned counsel appearing for the petitioner would submit that the very same issue challenging the very same clause is pending before the Hon'ble Apex Court and in view of the pendency of SLP in similar issue, this Court vide order dated 10.07.2019, has already issued direction to the second respondent to issue no objection certificate subject to the outcome of the Special Leave Petition and till date, the SLP filed by the National Medical Council has not been disposed of. Hence, this Court may dispose of this writ petition since the no objection certificate issued by the second respondent is subject to the result of the SLP and would further submit that the petitioner is ready to abide by any order passed by the Hon'ble Apex Court.

3.The learned counsel appearing for the respondents raise no serious objection.

4.Admittedly, very same issue is pending before the Hon'ble Apex Court by way of SLP and already this Court had issued direction to the second respondent to issue no objection certificate subject to the outcome of the Special Leave Petition.

5.Considering the fact that this Court vide order dated 10.07.2019, has already issued direction to the second respondent to issue no objection certificate subject to the



outcome of the Special Leave Petition and in compliance of the said order, the second respondent has issued the no objection certificate subject to the result of the SLP and recording the same, this writ petition is disposed of. However, liberty is granted to the respondents to act in accordance with law after disposal of the SLP. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

pri
To

- 1.The Principal Secretary to Government,
Health and Family Welfare Department,
State of Tamil Nadu,
Fort St.Geroge,
Chennai - 600 006.
- 2.The Registrar,
Tamil Nadu Dr.M.G.R. Medical University,
No.69, Anna Salai,
Guindy, Chennai - 600 032.
- 3.The Addl. Director of Medical Education/
Secretary of Selection Committee,
Admission to MBBS/BDS Courses 2018 - 2019 Session,
Directorate of Medical Education,
No.162, E V R Periyar Salai,
Kilpauk, Chennai - 600 010.
- 4.The Secretary, Medical Council of India,
Pocket - 14, Sector - 8,
Dwaraka Phase - 1,
New Delhi - 110 077.

+1 cc to Ms.Shubharanjani Ananth, Advocate Sr.NO. 65032
+1 cc to Mr.Abdul Saleem, Advocate Sr.NO. 64491
+2 ccs to Mr.S.D.Venkateswaran, Advocate Sr.NO. 64433,64118

W.P.No.19963 of 2019

And

W.M.P.Nos.19466 and 19470 of 2019

BS (CO)
A.SK(19.01.2022)



WEB COPY

06.12.2021