



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.11.2021

CORAM :

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**THE HONOURABLE TMT.JUSTICE PUSHPA SATHYANARAYANA
and
THE HONOURABLE THIRU.JUSTICE P.VELMURUGAN**

W.A(MD)No.1996 of 2021

1)The State of Tamil Nadu,
Rep by its Secretary,
Department of Health and Family Welfare,
Secretariat,
Chennai.

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

3)The Secretary,
Selection Committee,
Directorate of Medical Education,
162, EVR Periyar E.V.R. High Road,
Kilpauk, Chennai-600 010.

... Appellants/Respondents

vs.

The CSI College of Dental Sciences and Research,
Rep by its Director,
C.Fernanads Rathinaraja
No.129, East Veli Street,
Madurai-625 001.

... Respondent/Petitioner

PRAYER : Appeal filed under Clause 15 of Letters Patent, against the order dated 26.10.2021 in W.P(MD)No.16339 of 2021.

Prayer in WP(MD). 16339/ 2021 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a writ of mandamus directing the respondents 1 and 3 to permit the petitioner to fill up the management quota seats allotted to the petitioner college with students / members belonging to the CSI Diocese of Madurai - Ramnad and other Dioceses of CSI in Tamil Nadu in light of the decision of the Honble Supreme Court of India in W.P.(C) No.267 of 2017 dated 09.05.2017 and pass such further or other orders as this Honourable Court may deem fit and proper in the circumstances of the case and thus render justice.



For Appellants : Mr.Veera Kathiravan,
Additional Advocate General,
assisted by
Mr.B.Saravanan,
Government Advocate

For Respondent : Mr.Ajmal Khan, Senior Counsel for
AJMAL ASSOCIATES

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JUDGMENT

**(Judgment of the Court was made by
PUSHPA SATHYANARAYANA, J.)**

The writ appeal is directed against the interim order passed by the learned single Judge in W.P(MD)No.16339 of 2021 and WMP(MD) No.13188 of 2021, dated 26.10.2021.

2.The issue relates to the release of five seats of Management quota kept on hold by the appellants herein and to allot the said seats to the students of CSI Madurai Ramnad Diocese and other CSI Diocese in Tamil Nadu. The learned single Judge has passed the following order:-

'5. the petitioner has made out a case for an interim direction to provisionally declare the results of the first round of counselling allotment as regards five (5) minorities management seats referred to in the impugned communication dated 13.10.2021. Needless to say, such allotment will be subject to the outcome of the Writ Petition. Larger issues have been raised with regard to the constitutionality of the allotment to candidates belonging to a particular Diocese. The adjudication thereof would have to await final disposal. However, no special equities shall be claimed on account of this interim order and the petitioner shall inform the students concerned of the same.

6.Accordingly, an interim direction is issued to the third respondent to provisionally declare the results of the first round of counselling allotment in respect of the petitioner College by releasing the five (5) seats referred to in the impugned communication dated 13.10.2021 and by facilitating the said students to undertake their Post-Graduate education.'

Aggrieved by the above order, the present writ appeal is filed.

3.While the matter was taken up for hearing, the learned Additional Advocate General appearing for the appellants produced the letter dated 02.11.2021, given by the writ petitioner/respondent herein, to the Secretary, Selection Committee. The content of which is as follows:-

'1) The Hon'ble Madras High Court has passed an interim order on 26.10.2021.



2) It was noted that our institution was not included in the second round of counselling.

3) Considering in the larger interest of the minority Christian candidates, for the forthcoming academic year 2021-22, we hereby surrender to Open Christian Minority Candidates without prejudice to the referred Writ Petition pending before the Hon'ble Madras High Court-Madurai Bench. This shall enable Christian Minority Candidates to opt our institution for MDS Course this year.

4) Further, we would like to request you to kindly allot the 50% of Management Seats in UG and PG Courses to Christian Minority Candidates of Church of South India (CSI) in the next year's counselling session onwards.

Considering the present emergent circumstances with regard to the Second Round of MDS Counselling for the AY 2021-22, we request you to kindly allot the remaining 5 (FIVE) management quota seats to Christian Minority Students.''

4. In view of the above submissions made by the writ petitioner to the Selection Committee, the learned Additional Advocate General requested this Court to record the same and close the writ appeal.

5. Accordingly, the Writ Appeal is closed.

Sd/-

Assistant Registrar (CS III)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

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To

1) The Secretary,
State of Tamil Nadu,
Department of Health and Family Welfare,
Secretariat,
Chennai.

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



3)The Secretary,
Selection Committee,
Directorate of Medical Education,
162, EVR Periyar E.V.R. High Road,
Kilpauk, Chennai-600 010.

4)The Additional Advocate General,
Madurai Bench of Madras High Court,
Madurai.

JUDGMENT MADE IN
W.A(MD)No.1996 of 2021
DATED : 08.11.2021

PS (CO)

RS/NS (23.11.2021) 4P 5C