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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.01.2022

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.690 of 2022
and
W.M.P.No.738 of 2022

Sri Muthukumaran
Medical College Hospital & Research Institute,
Chikkarayapuram, Near Mangadu,
Chennai-600 069. ... Petitioner

Vs.

1. The Registrar,
The TamilNadu
Dr.MGR Medical University,
No.:69, Anna Salai, Guindy,
Chennai-600 032.
2. The Secretary,
Selection Committee,
Directorate of Medical Education,
Chennai. ... Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 1st and 2nd respondents to perform their statutory duty within such time as Hon'ble Court may be prescribe and pass such further or other orders as this Hon'ble Court, may deem fit and proper by including the Petitioner College namely Sri Muthukumaran Medical College Hospital & Research Institute at Chikkarayapuram, in the seat matrix for the academic year 2021-22 so as to enable the admission of students before cut-off date.

For Petitioner : Mr.G.Masilamani
Senior counsel
For Mr.S.Gopinath
M/s.K.Francis-MS/144/2010

For Respondent R1 : Mr.D.Ravichandran
Special Government Pleader

For Respondent R2 : Mr.C.Jayaprakash
Government Advocate



ORDER

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus to direct the 1st and 2nd respondents to perform their statutory duty and consequentially direct them to include the petitioner college in the seat matrix for the admission of MBBS students for the academic year 2021-22 within a time stipulated by this Court.

2. The case of the petitioner is that the petitioner trust was established in the year 1984 as a public Charitable Trust and they have applied for approval to the Medical Council of India and after recommendation, the Government of India issued letter of permission on 14.05.2010 and the petitioner college has been affiliated to the Tamil Nadu Dr.MGR Medical University, Chennai and started functioning from the year 2010-2011. Whiles, the admission of students to MBBS course for each academic year is regulated by the Selection Committee, Directorate of Medical Education, Chennai based on the performance in the NEET examination and they are allotted to Government and other Self-financing Medical colleges in Tamil Nadu and the petitioner college being a recognized college is eligible for allotment of students for MBBS course for academic year 2020-2021 and also till the expiry of the period of Recognition granted by the Government of India, Ministry of Health & Family welfare, New Delhi. However, the petitioner college was not included by the Selection Committee in the list of Medical Colleges for academic year 2019-20.

3. It is further submitted that the 1st respondent has not granted Provisional Affiliation for the academic year 2019-20 & 2020-21. Therefore, the petitioner approached this Court by filing W.P.No.23726 of 2019 and this Court vide its order directed the respondents to include the petitioner college in Seat Matrix for the academic year 2019-20. Further, the same issue arose for the academic year 2020-21 and the petitioner college once again approached this Court by filing W.P.No.18067 of 2020 and this Court passed an interim direction to the respondents for inclusion of the petitioner college in the Seat Matrix for the academic year 2020-21, and the same is still pending. This being the position, the 1st respondent inspected the petitioner college and found certain deficiencies and directed the petitioner college to rectify the deficiencies and remit the necessary affiliation fees for the academic year 2018-19 to 2020-21 and the same was complied with by the petitioner college and rectification report was submitted on 15.04.2021. Thereafter, the 1st respondent sent further letters dated 22.06.2021, 12.07.2021 and 09.09.2021 to the petitioner college to rectify the minor deficiencies and the same has been rectified and compliance report has been sent by the petitioner



college on 29.07.2021, 27.09.2021 and 06.10.2021 respectively. Thereafter, the petitioner received mail dated 19.12.2021 from the 1st respondent directing the petitioner to furnish the Continuance of Recognition of the National Medical Commission for the academic year 2021-22 and the same has been submitted by the petitioner on 20.12.2021 to the 1st respondent. Whiles, the Selection Committee vide letter dated 03.01.2022 directed all the self-financing medical colleges to submit the affiliation copy issued by the 1st respondent for inclusion in the Seat Matrix on or before 10.01.2022. Hence, the petitioner college sent a letter dated 05.01.2022 to the 1st respondent for grant of Continuance of Provisional Affiliation in order to submit the same before the Selection Committee to include the petitioner college in Seat Matrix. However, till date no order has been passed on the said representation and hence, this present petition is filed.

4.The learned Senior counsel for the petitioner submitted that though the petitioner rectified all the minor deficiencies pointed out by the 1st respondent and submitted the corresponding compliance reports, no action has been taken by the 1st respondent even after receipt of such compliance report and the 1st respondent has failed to perform their statutory duty with regard to allowing the petitioner college to participate in Seat matrix. Hence, he submitted that, it would suffice if this Court issues direction to the 1st respondent to consider the petitioner's letter dated 05.01.2022 and the last compliance report dated 20.12.2021 and issue petitioner college with the Provisional Affiliation within a particular time frame fixed by this Court.

5.The learned Special Government Pleader appearing for the 1st respondent has no objection for the said order being passed and he fairly conceded that the respondent will perform their statutory duty in issuing Provision Affiliation to the petitioner college as per the Compliance reports filed by the petitioner college within the time stipulated by this Court.

6. In view of the aforesaid submissions made by the learned counsel on either side, though the petitioner claim that he has complied with all the deficiencies pointed out by the 1st respondent, this Court without expressing any opinion on the merits of the case, directs the 1st and 2nd respondents to consider the petitioner's compliance reports and issue Provisional Affiliation to the petitioner college for inclusion of the name of the petitioner college in the Seat Matrix for the academic year 2021-22 for admission of MBBS students within a period of two weeks from the date of receipt of a copy of this order, preferably on or before 04.02.2022.



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7. This writ petition is accordingly disposed of. No costs.
Consequently, connected Miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

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To

1. The Registrar,
The TamilNadu
Dr.MGR Medical University,
No.:69, Anna Salai, Guindy,
Chennai-600 032.
2. The Secretary,
Selection Committee,
Directorate of Medical Education,
Chennai.

+1cc to Mr.S.Gopinathan, Advocate, S.R.No.3263

W.P.No.690 of 2022
and
W.M.P.No.738 of 2022

SS (CO)
SB (27/01/2022)