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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.02.2022

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.960 of 2022
and
W.M.P.No.1023 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 prescribe and pass such further or other orders as this Honble 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 and Research Institute at Chikkarayapuram in the seat matrix for the Post Graduate courses for the academic year 2021-22 so as to enable the admission of students before cut-off date.

For Petitioner : Mr.G.Masilamani, SC
For Mr.S.Gopinathan

For Respondent R1 : Mr.R.Imayavaramban

For Respondent R2 : Mr.C.Jayaprakash, GA



O R D E R

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 Post Graduate Courses 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 issued Consent of Affiliation for the following Post Graduate courses on 30.05.2019 :-

- (i) MS Obstetrics & Gynecology (7 Seats)
- (ii) MS Oto-Rhino-Laryngology (3 Seats)
- (iii) MD Anesthesiology (6 Seats)
- (iv) MD Psychiatry (2 Seats)
- (v) MD General Medicine (12 Seats)
- (vi) MS Ophthalmology (3 Seats)
- (vii) MD Community Medicine (5 Seats)
- (viii) MS General Surgery (11 Seats)

Based on the said Consent of Affiliation, the petitioner college submitted Application for grant of Permission for PG Courses to the National Medical Commission and thereafter, the National Medical Commission conducted Inspection for each discipline and issued Letter of Permission for the PG Courses for the academic year 2021-22. 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. Hence, the petitioner college approached this Court in W.P.No.690 of 2022 and this Court vide its order dated 20.01.2022 directed 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. However, the 1st respondent has included the petitioner college in the Seat Matrix for the academic year 2021-22 for admission of PG Courses only for the courses below:

- (1) MS Obstetrics & Gynaecology (3 Seats)
- (2) MS Oto-Rhino-Laryngology (2 Seats)
- (3) MD General Medicine (8 Seats)

Since the other four PG courses were not included in the Seat Matrix for the academic year 2021-22 for admission of students :-

- (1) MD Anesthesiology (4 Seats)
- (2) MS Ophthalmology (3 Seats)
- (3) MD Psychiatry (1 Seats)
- (4) MD Community Medicine (2 Seats)

Hence, the present writ petition is filed.

4.The learned Senior counsel for the petitioner submitted that, in pursuance of the order of this Court dated 20.01.2022, the 1st respondent has included only three PG courses out of seven courses in the Seat Matrix on 24.01.2022. However, the other four courses were not included even after obtaining Letter of Permission for the PG Courses for the academic year 2021-22 from the National Medical Commission. He further submitted that, since the admission process is going on without including the petitioner college in seat matrix for the other four courses, the said seats cannot be filled up, which will in turn not benefit the students from the State. Therefore, he submitted that direction may be issued to the 1st respondent to include the



other four courses also in the seat matrix within the reasonable time as fixed by this Court.

5. The learned counsel appearing for the 1st respondent submitted that without prejudice to their right to inspection, they will issue provisional affiliation to the petitioner college on or before 05.02.2022 and with the affiliation, the petitioner college may file application for inclusion in Seat Matrix on 07.02.2022 and liberty may be granted to the 1st respondent to conduct inspection and if any deficiency is pointed out by the 1st respondent, the same may be complied with as early as possible.

6. In view of the submissions advanced and also the fair stand taken by the learned counsel for the 1st respondent, this Court directs the petitioner to produce the Permission granted by the National Medical Commission (in short NMC) on or before 05.02.2022 and on receipt of the same, 1st respondent is directed to issue provisional affiliation and include the other four PG courses in the seat matrix for being considered for filling up during the present counselling. The 1st respondent is directed to carry out the issuance of provisional affiliation and inclusion of the petitioner college in the seat matrix for the other four PG courses on or before 07.02.2022. Further, liberty is granted to the 1st respondent to conduct inspection and if any deficiency is pointed out by the 1st respondent, the petitioner shall comply with the same as expeditiously as possible.

7. This writ petition is disposed of with the aforesaid directions. No costs. Consequently, connected Miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

skt
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.

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Copy to

Sri Muthukumaran Medical College
Hospital & Research Institute,
Chikkarayapuram, Near Mangadu,
Chennai-69.

+1cc to M/s.S.Selvathirumurugan, Advocate Sr.7273
+2cc to M/s.Ramalingam & Associates, Sr.No.7915 [14/03/2022]
+1cc to Mr.S.Gopinathan, Advocate Sr.7956 [14/03/2022]
+1cc to the Government Pleader SR.8061 [14/03/2022]

W.P.No.960 of 2022
and
W.M.P.No.1023 of 2022

jp-II[col]
srg 04/02/2022