



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:16.02.2022

CORAM :

THE HON'BLE MR.MUNISHWAR NATH BHANDARI, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.NO.3187 OF 2022

B.Balamurugan

..

Petitioner

Vs.

1. The Chairman  
National Medical Commission, New Delhi.

2. The Secretary to Government  
Department of Medical Education  
Health & Family Welfare Department  
Government of Tamil Nadu  
Fort St. George, Chennai 600 009.

3. The Registrar  
The Tamil Nadu Medical Council, Chennai.

4. The Additional Director of Medical Education /  
Secretary, Selection Committee  
Directorate of Medical Education  
Chennai 600 010.

5. The State Fee Regulatory Authority  
Tamil Nadu.

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Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India, praying for writ of Mandamus to direct the respondents herein to give strict implementation to the payment of fee for medical education determined for Government quota in private institutions/Deemed to be Universities by the 5th respondent in strict compliance with the guidelines framed in the Office Memorandum dated 03.02.2022 issued by the National Medical Commission, in the state of Tamil Nadu in the matter of Fee Determined for Government quota in the medical education for the



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medical students securing admission in medical seats for the academic year 2022-2023 through the Counseling scheduled from 14.02.2022 to 17.02.2022 conducted by the 4th respondent herein.

For the Petitioner : Mr.L.Chandrakumar  
for  
Mr.K.Muthu Ganesa Pandiyan  
For the Respondents : Mrs.Shubharanjini Anand  
for Respondent - 1  
Mr.D.Ravichander  
Special Government Pleader  
(Higher Education)  
For Respondents - 2, 4 & 5

#### ORDER

(Order of the Court was made by  
the Hon'ble Chief Justice)

The writ petition has been filed seeking a direction to the respondents for the strict implementation of the payment of fee for the medical education determined by the Government against the 50% of Government quota seats, not only in the Government Medical Colleges, but in the private Medical Colleges also.

2. Learned counsel for the petitioner, referring to paragraph 12 of the affidavit, submits that as against the fee determined by the Government towards the seats against 50% Government quota, an amount of Rs.7.50 lakh to Rs.8.00 lakh is being demanded from the poor students and therefore, the writ petition has been filed.

3. A perusal of the entire writ petition does not show basis of information, as neither the name of the student who has been subjected to the demand of additional amount, nor the name of the Medical College which has indulged in such practice, has been furnished. It is also stated that the fee is yet to be deposited by the students as the last date for payment is 17.02.2022. If any of the student has paid an additional amount, then, by referring to that, a public interest litigation could have been filed. But, based on the vague allegation, the public interest litigation cannot be entertained. Rather, we find, at times, misuse of the jurisdiction of the public interest litigation.

4. In the instant case, the public interest litigation has been filed by an advocate. The Apex Court, in the case of Dattaraj Nathuji Thaware v. State of Maharashtra [(2005) 1 SCC 590], has deprecated the practice of advocates filing the public



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interest litigation in paragraph 20, as under:

"20. .... It is high time that the Bar Councils and the Bar Associations ensure that no member of the Bar becomes party as petitioner or in aiding and/or abetting files frivolous petitions carrying the attractive brand name of "public interest litigation". That will be keeping in line with the high traditions of the Bar. No one should be permitted to bring disgrace to the noble profession. ..."

5. In the light of the aforesaid and finding that this public interest litigation has been filed without any basis, the same is dismissed with a cost of Rs.5,000/- to be deposited with the Tamil Nadu State Legal Services Authority within a period of 15 days from the date of receipt of a copy of this order. The Registrar Judicial will see the compliance of the order and if it is not done, disposed of writ petition would be listed before the Court for appropriate order for compliance. Consequently W.M.P.No.3343 of 2022 is also dismissed.

Sd/-  
Deputy Registrar

//True Copy//

Sub Assistant Registrar

kpl/drm

To:

1. The Chairman,  
National Medical Commission, New Delhi.
2. The Secretary to Government,  
Department of Medical Education,  
Health & Family Welfare Department,  
Government of Tamil Nadu,  
Fort St. George, Chennai 600 009.
3. The Registrar,  
The Tamil Nadu Medical Council, Chennai.
4. The Additional Director of Medical Education /  
Secretary, Selection Committee,  
Directorate of Medical Education,  
Chennai 600 010.



5. The State Fee Regulatory Authority,  
Tamil Nadu.

6. The Registrar Judicial,  
High Court, Madras-104.

7. The Secretary,  
Tamil Nadu State Legal Services Authority,  
High Court, Madras.

8. The Section Officer,  
Writ Section, High Court,  
Madras.

+1cc to Mr.K.Muthu Ganesa Pandiyan, Advocate, S.R.No.10357

W.P.No.3187 of 2022

SSD(CO)  
PM/22/02/2022