



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.04.2022

CORAM

THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P.No.10951 of 2022 and

W.M.P.Nos.10544, 10545 & 10546 of 2022

Rahees E.K.

... Petitioner

Vs

1.Chettinad Hospital and Research Institute,
Rajiv Gandhi Salai,
OMR, Kelambakkam,
Chengalpattu District,
Tamil Nadu 603 103.

2.Directorate General of Health Services,
Medical Counselling Committee,
Nirman Bhawan,
New Delhi - 110 108.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the Respondents herein not to allot the seat which was allotted to the Petitioner herein to any other person.

For Petitioner : Mr.Nithyaesh Natraj

For Respondents: Mr.M.S.Krishnan, Senior Counsel
for Mr.T.Balaji (for R1)
Mr.V.Chandrasekaran (for R2)
Senior Panel Counsel

O R D E R

The petitioner seeks a Mandamus directing the respondents i.e., the Chettinad Hospital and Research Institute /R1 and the Directorate General of Health Services /R2 not to allot the seat that was allotted to the petitioner in R1 College to any other person.

2.There are two difficulties that the petitioner faces. The first is in relation to the certificate of sponsorship for NRI quota. The validity of the certificate is only upto 31.03.2022 and the petitioner states that he has sought and obtained an extension of the same and the same is in transit.

3.Mr.M.S.Krishnan, learned Senior counsel appearing on behalf of Mr.T.Balaji, learned counsel, who was accepted notice for R1, does not have any objection in awaiting receipt of the



NRI certificate as the original is in its possession and what is awaited is only an extension of the same.

4.The difficulty is as regards the second stipulation, which is the payment of fees. The present seat became available for the petitioner by virtue of an order passed by the Hon'ble Supreme Court in the case of Anjana Chari S.N. vs. The Medical Counselling Committee (MCC) & Others, Writ Petition (Civil) No.174 of 2022. Certain discrepancies were found in the second round of counselling for All India quota that consequently came to be cancelled. Thus, 146 seats became available, as a bonanza, to medical aspirants.

5.The Hon'ble Supreme Court thus ordered that a fresh mop-up round of counselling for the All India quota for 146 seats be conducted and an endeavour made to complete the process within a period of two (2) weeks.

6.The DGHS has thereafter issued the schedule for the mop-up round that commenced on 13th April 2022, stretching till 27.04.2022, which is today. Payment facility was made available to the students only upto 18.04.2022, at 3.00 p.m.

7.Payment has not been remitted by the petitioner, despite which he was permitted to appear for certificate verification on 27.04.2022. Now at the eleventh hour the present writ petition has been filed seeking relief that could well have been avoided had the candidate taken steps promptly and in line with the time-lines stipulated, which is not appreciated by the Court.

8.This order is now passed solely bearing in mind the interests of the candidate and as learned counsel for the petitioner circulates an application for telegraphic transfer dated 27.04.2022 for transfer of U.S. Dollars 2,25,000/-. He states, on instruction that it will take 48 hours for completion of transaction and for credit in the bank account of R1.

9.The apprehension of the candidate is that if the payment is not received by 5.00 p.m. on 27.04.2022 i.e., today, the seat will automatically fall vacant and be absorbed for counselling in the stray vacancy round to follow. Upon hearing the contention of the parties, since the details of fee remittance are placed before the Court and solely in the interests of the candidate, R1 Institute is directed to reserve the seat allotted to the petitioner for 48 hours from now that is upto 5.00 p.m. on 30th of April, 2022.

10.Mr.Chandrasekaran, who accepts notice for R2, the DGHS will ensure compliance of this order, particularly as the procedure and protocols for counselling and admission are



WEB COPY

automated now. If the time frame, as stipulated aforesaid is not complied, then R1 and R2 are at liberty to fill the seat in accordance with the procedure and likewise, if complied, the petitioner will be permitted to report for the course and attend classes.

11.This Writ Petition is closed. No costs. Consequently, connected miscellaneous petitions are also closed.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

vs

To

1.Chettinad Hospital and Research Institute,
Rajiv Gandhi Salai,
OMR, Kelambakkam,
Chengalpattu District,
Tamil Nadu 603 103.

2.Director General of Health Services,
Medical Counselling Committee,
Nirman Bhawan,
New Delhi - 110 108.

+1cc to Mr.Nithyaesh & Vaibhav, Advocate, S.R.No.29109

W.P.No.10951 of 2022 and
W.M.P.Nos.10544, 10545 & 10546 of 2022

VBM(CO)
KM(28/04/2022)