



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Civil Appellate Jurisdiction)

Friday, the Sixth day of May Two Thousand Twenty Two

WEB COPY

PRESENT

THE HON`BLE MR.JUSTICE R.MAHADEVAN

AND

THE HON`BLE MRS.JUSTICE S.ANANTHI

CMP.No.8261 of 2022

in WA.No.604 of 2021

SRI MUTHUKUMARAN MEDICAL COLLEGE
HOSPITAL AND RESEARCH INSTITUTE,
CHIKKARAYAPURAM NEAR MANGADU,
CHENNAI 600 069.
REP. BY MANAGING TRUSTEE
TMT. GOMATHI AMMAL

[PETITIONER]

Vs

1 THE REGISTRAR
THE TAMIL NADU DR.MGR MEDICAL UNIVERSITY,
NO.69, ANNA SALAI, GUINDY, CHENNAI 600 032.

[RESPONDENTS]

2 THE SECRETARY
SELECTION COMMITTEE,
DIRECTORATE OF MEDICAL EDUCATION,
CHENNAI.

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to issue appropriate Interim direction, directing the 1st Respondent to open the web portal and to issue hall tickets for the 2 Students namely Ms. P. Soundarya (Reg.No.952349109) and Mr. Hariharan (Reg No.952349103) 2019-2022 batch; admitted in the Appellant College Sri Muthukumaran Medical Hospital and Research Institute to Write the Supplementary Examination to be held on 09.05.2022, [IN CMP.No.8261 of 2022] pending disposal of the WA.No.604 of 2021



Order : This Miscellaneous petition coming on this day for hearing upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.MASILAMANI, SENIOR COUNSEL for M/S.VISHNU VENKATESH, Advocate for the petitioner and of MR.R.IMIYAVARMAN, Advocate for the 1st Respondent and of M/S.ANITHA, SPECIAL GOVERNMENT PLEADER on behalf of the 2nd Respondent, the court made the following order:-

[Order of the Court was made by **R.MAHADEVAN, J**]

This Civil Miscellaneous Petition has been filed by the petitioner-institution seeking interim direction to the first respondent to open the web portal and to issue hall tickets for the two students, namely P. Soundarya (Reg.No.952349109) and Mr. Hariharan (Reg.No.952349103) 2019-2022 batch, admitted in the Appellant College Sri Muthukumaran Medical Hospital and Research Institute to write the the supplementary examination to be held on 09.05.2022.

2. We have heard Mr. G. Masilamanil, learned Senior Counsel appearing for the petitioner institution, Mr. R. Imiyavarman, learned counsel for the first respondent and Mrs. Anitha, learned Special Government Pleader appearing for the second respondent.

3. Earlier, when the above writ appeal was taken up for hearing on 13.02.2021, the Division Bench of this Court has permitted the 9 students of the petitioner institution to write the examination scheduled to commence from 15.02.2021, however, their results were directed to be with-held. The relevant portion of the order dated 13.02.2021 passed by the Division Bench of this Court reads as follows:-

"5. There shall be an interim direction directing the respondents to issue Hall Tickets to the nine students of the appellant institution. The students of the appellant institution are permitted to write the examinations scheduled to commence from 15.02.2021, however, their results are directed to be with-held. The results will be subject to the final disposal of the Writ Appeal. It is made clear that the appellant-College/students who are now permitted to write the examination, cannot claim any equity at the time of final disposal. We further make it clear that this order will not confer any right to the 9 students of the appellant/college to continue their further studies in the college, if this Court comes to the conclusion that the appellant/college had no case on merits."



4. Subsequently, when the Writ Appeal No. 604 of 2021 came up for hearing on 26.04.2021, the Division Bench of this Court directed the respondents to declare the result of the students and based on the result, the students could be permitted to write the supplementary examination scheduled on 04.05.2021. The relevant portion of the order dated 26.04.2021 reads as follows:-

"2. When the matter is called today, Mr. C. Mani Shankar, learned Senior counsel appearing for the appellant would submit that as per the earlier order, the students already wrote the examination and the results have not been published and now the supplementary examination is going to commence from 04.05.2021. The students cannot write the supplementary examination, unless their results are published. Therefore, the respondents are directed to publish the result and based on the result, the students could be permitted to write the supplementary examination scheduled on 04.05.2021.

3. For every examination, the students need not come before this Court and therefore the nine students shall be permitted to write all the examinations and the results shall be published till the completion of the course. However, it is made clear that their continuation of the course will be subject to result of the Writ Appeal. Further, in case the appellant loses the case, the student shall not claim any equity."

5. As against the order dated 26th April 2021 passed by the Division Bench of this Court directing publication of results of the 9 students, the Tamil Nadu Dr. Medical University went on appeal before the Honourable Supreme Court in Civil Appeal No. 1665 of 2022 (arising out of SLP (C) No. 18909 of 2021). The Honourable Supreme Court, while upholding the order dated 13.02.2021 passed by the Division Bench of this Court, permitting the 9 students to write the examination, set aside the order dated 26.04.2021 of the Division Bench of this Court directing publication of their results. The relevant portion of the order dated 25.02.2022 passed by the Honourable Supreme Court is as follows:-

2. This appeal arises from an interim order dated 26 April 2021 of a Division Bench of the High Court of Judicature at Madras.

3. The appeal before the High Court has been instituted by the first respondent to the present proceedings, for challenging an order of the single Judge dated 11 February 2021 in Writ Petition No. 3234 of 2021. The Single Judge of the High Court had dismissed the writ petition. In the Writ Appeal, by an earlier order dated 13 February 2021, the Division Bench permitted the nine students to



appear for the examination and directed that their results should be withheld. By the impugned order dated 26 April 2021, the High Court directed that the nine students shall be permitted to write all the examinations and their results shall be published till the completion of the course. This was made subject to the result of the Writ Appeal.

4. On 26 November 2021, this Court while issuing notice stayed the operation of the impugned order of the High Court dated 26 April 2021, subject to the clarification that this shall not disturb the operation of the earlier order dated 13 February 2021.

5. We have heard Mr. G. Balaji, learned counsel for the appellants and Mr. Mukul Rohatgi, learned Senior Counsel appearing with Mr. A. Chinnasamy on behalf of the first respondent.

6. In the facts and circumstances, since Writ Appeal No. 604 of 2021 is pending, we are of the view that it would be appropriate if it is heard expeditiously by the Division Bench of the High Court. We request the High Court to do so within a period of three months.

7. The impugned order of the High Court dated 26 April 2021 shall stand set aside. All the rights and contentions of the parties on the merits of the Writ Appeal are however kept open to be decided by the High Court.

8. The appeal is disposed of in the above terms.

6. Thus, it is evident that the order dated 26th April 2021 passed by the Division Bench of this Court, directing the respondents to publish the results of the 9 students, has been set aside by the Honourable Supreme Court in the order dated 25.02.2022. While so, the question of permitting the petitioners herein to write the supplementary examination will not arise. It is open to the petitioners to agitate their rights and contentions in the writ appeal No. 604 of 2021.

7. Accordingly, this Civil Miscellaneous Petition is dismissed.

-sd/-

06/05/2022

/ TRUE COPY /

Sub-Assistant Registrar (Statistics / C.S.)
High Court, Madras - 600 104.



TO

1 THE REGISTRAR
THE TAMIL NADU DR. MGR MEDICAL UNIVERSITY,
NO.69, ANNA SALAI, GUINDY, CHENNAI 600 032.

2 THE SECRETARY
SELECTION COMMITTEE,
DIRECTORATE OF MEDICAL EDUCATION,
CHENNAI.

C.C. To M/S.VISHNU VENKATESH, Advocate, SR.No.3823/2022.

Order
in
CMP.No.8261 of 2022
in WA.No.604 of 2021

Date :06/05/2022

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RA 25/05/2022