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W.P.No.25319 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.11.2022

CORAM :

THE HONOURABLE MR.JUSTICE **R.SURESH KUMAR**

W.P.No.25319 of 2022

A.Vijayakumar,
Correspondent and Managing Trustee,
S.K. Educational Trust, Owners of
St. John's College of Medical Sciences,
Vellore – Arni Highway NH 234,
Dharmavaram Road,
Pennathur T.S. Sanatorium Post,
Vellore District, Vellore – 632 001.

... Petitioner

-Vs-

1.The Registrar,
The Tamil Nadu Dr.MGR Medical University,
No.69, Anna Salai Road,
Guindy, Chennai – 600 032.

2.The Vice Chancellor,
The Tamil Nadu Dr.MGR Medical University,
No.69, Anna Salai Road,
Guindy, Chennai – 600 032.

3.The Director of Medical Education,
No.156, Poonamallee High Road,
New Bupathy Nagar, Chetpet,
Chennai – 600 031.

4.The Principal Secretary,
Health & Family Welfare Department,
Fort St. George, Chennai – 600 009.

... Respondents



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Prayer: Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents to consider the representation of the petitioner institution dated 13.08.2022 to permit the petitioner institution to admit the students for the Allied Health Science Courses (i) B.Sc., Accident and Emergency Care Technology, (ii) B.Sc., Dialysis Technology and (iii) B.Sc., Radiography & Imaging Technology to admit 20 students in each course.

For Petitioner	:	Mr.P.Chandrasekar
For R1 & R2	:	Mr.S.Wilson, Standing Counsel
For R3 & R4	:	Mr.U.M.Ravichandran, Special Government Pleader

ORDER

The prayer sought for herein is for a Writ of Mandamus, directing the respondents to consider the representation of the petitioner institution dated 13.08.2022 to permit the petitioner institution to admit the students for the Allied Health Science Courses (i) B.Sc., Accident and Emergency Care Technology, (ii) B.Sc., Dialysis Technology and (iii) B.Sc., Radiography & Imaging Technology to admit 20 students in each course.

2.The petitioner's College, namely St. John's College of Medical Sciences has been approved by G.O.Ms.No.569, Health and Family Welfare (PME-2) Department, dated 21.12.2021, under which, three medical allied



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courses were permitted to be started by the petitioner Institution. The courses are (i) B.Sc., Accident and Emergency Care Technology, (ii) B.Sc., Dialysis Technology and (iii) B.Sc., Radiography & Imaging Technology.

3.The permissible intake according to the petitioner was 20 students per course per year, for which, affiliation was also obtained from the respondent University i.e., the provisional affiliation and for getting continuance of affiliation for the Academic Year 2022 – 2023 when the petitioner made an application, the same having been considered, orders were passed by the respondent University by order dated 29.07.2022, under which, continuation of affiliation was given to the petitioner Institution for these three courses though, only with the reduced intake of 5 students in each of the courses per year.

4.On receipt of such order dated 29.07.2022, the petitioner had given a representation on 13.08.2022 to the respondent University to reconsider the said issue and grant continuation of approval affiliation for the Academic Year 2022 – 2023 for intake of 20 students i.e., the full normal intake and also permit for each of the courses.



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5.The said representation also has not been considered, with the result, the petitioner institution even though started making admissions for the Academic Year 2022 – 2023, the intake capacity of the Institution in respect of each courses since is restricted only to 5 students, the petitioner has moved the present Writ Petition seeking the Writ of Mandamus to direct the respondents to consider the request of the petitioner dated 13.08.2022 through his representation and pass orders there on on merits and in accordance with law at the earliest.

6.Heard Mr.P.Chandrasekar, learned counsel appearing for the petitioner Institution, who having reiterated the aforesaid, would seek indulgence of this Court.

7.Heard Mr.S.Wilson, learned Standing Counsel appearing for the respondent University, who would submit that insofar as the intake capacity of 20 students per course is concerned, based on the infrastructural and instructional facilities available for the students, after conducting an inspection, the respondents found that the infrastructural and instructional facility available with the petitioner Institution is only for the purpose of having students intake of 5 students per year in each of the courses, based on which, the reduced



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intake was given by way of continuance affiliation. Therefore, if at all that should be re-considered, the petitioner must be able to establish before the respondent University that they have necessary infrastructure to have full intake i.e., 20 seats per course. Any how, that would be considered and orders to that effect would be passed on merits within the period that may be stipulated by this Court.

8.Heard Mr.U.M.Ravichandran, learned Special Government Pleader appearing for the respondents 3 and 4.

9.In view of the stand taken by the respondent University through the learned Standing Counsel, this Court is of the view that the representation given by the petitioner dated 13.08.2022 may be considered by the respondent University and a decision can be taken thereon based on the input to be supplied in this regard by the petitioner Institution in respect of these three courses for getting full intake capacity i.e., 20 seats for the Academic Year 2022 – 2023 and accordingly, pass necessary orders on merits and in accordance with law and communicate the order to the petitioner Institution within a period of four (4) weeks from the date of receipt of a copy of this order.



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WEB COPY 10. With these directions, the Writ Petition is disposed of. No costs.

09.11.2022

Index: Yes/No

Internet: Yes/No

Speaking order/Non-speaking order

Note: Issue order copy on 14.11.2022.

sp/drm

To

1. The Registrar,
The Tamil Nadu Dr.MGR Medical University,
No.69, Anna Salai Road,
Guindy, Chennai – 600 032.
2. The Vice Chancellor,
The Tamil Nadu Dr.MGR Medical University,
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R.SURESH KUMAR.J..

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