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W.P.Nos.25254 & 25582 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.11.2022

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P.Nos.25254 & 25582 of 2022

and

W.M.P.Nos.24206, 24207, 24581 & 24582 of 2022

Pondicherry Institute of Medical Sciences,
Rep. by its Chairman Mr.M.M.Phillip,
Kalapet, Puducherry - 605014.

...Petitioner in
W.P.No.25254/2022

Sri Venkateshwaraa Medical College
Hospital and Research Centre,
Rep. by its Dean,
No.13-A, Pondy-Villupuram Main Road,
Ariyur, Puducherry - 605102.

...Petitioner in
W.P.No.25582/2022

Vs.

1.Government of Puducherry,
Rep. by its Under Secretary (Health),
Health Department, Chief Secretariat,
Puducherry.

2.Centralized Admission Committee,
Rep. by its Coordinator (Admission),
Government of Puducherry,
Pondicherry Engineering College Campus,
Puducherry - 605014.

...Respondents in both WPs



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Common Prayer: Writ Petitions filed under Article 226 of the Constitution of India to issue Writ of Certiorarified Mandamus, calling for the records of the 1st respondent in G.O.Ms.No.64, Health Department, dated 02.09.2022, quash the same and consequently direct the 2nd respondent to conduct the 2nd round and mop-up round of counseling for the management quota seats in MBBS medical seats available in the petitioners institutions by allowing candidates on All-India basis to participate.

(in both WPs)

For Petitioners : Mr.Abishek Jenasenan

For Respondents : Mr.S.Raveekumar, GP (Pondy)

COMMON ORDER

Since the issue raised in these writ petitions is one and the same, with the consent of learned counsel appearing for both sides, these writ petitions were heard together and are disposed of by this common order.

2. The prayer sought for in these writ petitions is for Writ of Certiorarified Mandamus to quash the order of the first respondent dated 02.09.2022 and consequently direct the second respondent to conduct the second round and mop-up round of counselling for the management quota seats available in the petitioners Institutions.



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3. When these writ petitions are taken up for further hearing today, the learned Government Pleader (Puducherry) appearing on behalf of the respondents submitted that, since Clause 7(4) of the brochure is under challenge in these writ petitions with regard to the admissions in UG degree course in Medicine, Dentistry as well as Ayurveda, i.e., M.B.B.S., B.D.S., and B.A.M.S. in Government and Private Colleges in the Union Territory of Puducherry, the Government has taken a decision to implement the then existing system that was prevailing upto 2021-2022.

4. In view of the stay order granted by this Court in the earlier occasion pertaining to G.O.Ms.No.36, dated 25.08.2017 and the said issue is pending, in order to avoid further litigations, the respondents Union Territory of Puducherry has decided to implement the then existing system, i.e., de-hors of impugned Clause 7(4) of the brochure and accordingly, a direction has been given by the Under Secretary to Government (Health), Government of Puducherry to the Coordinator (Admissions), CENTAC, dated 11.11.2022, which reads thus:-

"I am to refer the information Brochure 2022-23 for admission to UG-NEET Based Degree Courses (M.B.B.S / B.D.S / B.A.M.S in Government / Private colleges in the UT of Puducherry received



through email and to inform that in the case of MBBS admission, in connection with conversion/filling up of unfilled minority seats G.O.Ms.No.36 dated 25/08/2017 was issued only for the year 2017. Further, the same guidelines was reiterated for the admissions made in the year 2021-22. But the Hon'ble High Court stayed the operation of the said orders issued by the Government of Puducherry and directed to fill up the seats as per the earlier existing procedure. Since the same issue was stayed in the case of PG admissions for filling up of unfilled minority quota seats, change if any in the guidelines of UG admissions at this stage will lead to litigation and prolong the admission process. Therefore, the practice followed in the year 2021-22 may be continued for admission to NEET based UG Degree courses for the year 2022-23 also.

The CENTAC is therefore, directed to conduct the counseling for admission to MBBS as per the following practice existed in the year 2021-22 in so far as the filling up of unfilled minority quota seats is concerned and to replace para 7(iv) in Brochure as follows and published in CENTAC website.

"Conversion of Minority quota seats into general management Quota seats



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In case minority quota seats are not filled in the two rounds of counseling, then these unfilled seats will be converted to general management quota seats and filled on All India basis."

5. The said position cannot be controverted by the learned counsel for the petitioners who would submit that, since the Government has come forward to the implement the then existing system unmindful of the impugned Clause 7(4) of the brochure issued for the present year admission i.e., 2022-2023, recording the stand taken by the respondents in the communication dated 11.11.2022, these writ petitions can be disposed of, he contended.

6. I have considered the submissions made by the learned counsel appearing for both sides and having taken note of the aforesaid developments, especially the communication issued by the Union Territory of Puducherry, dated 11.11.2022, this Court feels that no further orders are required in these writ petitions for the present. Therefore, insofar as the academic year 2022-2023 is concerned, there could be no impediment for the respondents to follow the then existing system in order to fill up the minority seats.



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7. Recording the aforesaid communication dated 11.11.2022 issued by the Under Secretary to Government (Health), Government of Puducherry to the Co-ordinator (Admissions), CENTAC, these writ petitions are disposed of. However, liberty is granted to the petitioners to agitate the same issue, if it again arises in the next academic year in the manner known to law. Consequently, connected miscellaneous petitions are closed. No costs.

29.11.2022

Index:Yes/No
Internet:Yes/No
Speaking order/Non-speaking order
hvk



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WEB COPY To

- 1.The Under Secretary (Health),
Government of Puducherry,
Health Department, Chief Secretariat,
Puducherry.
- 2.The Coordinator (Admission),
Centralized Admission Committee,
Government of Puducherry,
Pondicherry Engineering College Campus,
Puducherry - 605014.



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R. SURESH KUMAR, J.

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