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W.P.No.28534 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.11.2022

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P.No.28534 of 2022 and
W.M.P.No.27849 of 2022

Madha Medical College and Hospital
Represented by its Chairman,
Dr.S.Peter, Kundrathur Main Road,
Kovur, Thandalam,
Chennai – 600 128.

... Petitioner

Vs

1.The Registrar,
The Tamil Nadu Dr.M.G.R. Medical University,
No.69, Anna Salai Guindy,
Chennai – 600 032.

2.The Secretary, Selection Committee,
Directorate of Medical Education,
No.162, Periyar E.V.R. High Road,
Kilpauk, Chennai – 600 010.

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the 1st respondent to grant 'Provisional Affiliation' to start the M.S. Obstetrics and Gynaecology Post Graduate Degree Course for the academic year 2022-23 in terms of the approval granted by the Medical Assessment and Rating Board vide letter dated 07.10.2022 in NMC/PG/2022-23/000220.



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For Petitioner : Mr.S.R.Raghunathan

For Respondents : Mr.S.Wilson
Standing Counsel for R1

: Ms.M.Sneha
Standing Counsel for R2

ORDER

The prayer sought for herein is for a writ of mandamus directing the 1st respondent to grant 'Provisional Affiliation' to start the M.S. Obstetrics and Gynaecology Post Graduate Degree Course for the academic year 2022-23 in terms of the approval granted by the Medical Assessment and Rating Board vide letter dated 07.10.2022 in NMC/PG/2022-23/000220.

2. The petitioner is a Medical College duly approved by National Medical Commission and affiliated to the respondent University. For the academic year 2022-23 after getting consent of affiliation from the University, applied to the Medical Commission for getting approval of 6 P.G. Courses which includes the M.S. Obstetrics and Gynaecology course.

3. After getting approval from National Medical Commission, the petitioner applied to the University for affiliation. The University having



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considered the application submitted by the petitioner, of course after the approval granted by the National Medical Commission, has granted such affiliation only in respect of 5 courses except this course viz., M.S. Obstetrics and Gynaecology. Only at this juncture, the petitioner has moved the present writ petition with the aforestated prayer.

4. On 27.10.2022 when this case came up for consideration, Mr.S.Wilson, learned Standing Counsel appearing for the respondent University has submitted that, the reason for non-grant of affiliation to the said course viz., M.S. Obstetrics and Gynaecology is that, there are certain deficiencies pointed out by the University which have been enumerated in the communication dated 26.10.2022 addressed to the Principal of the petitioner College. In fact the said communication was produced before this Court on the said day.

5. On receipt of the said communication dated 26.10.2022, Mr.S.R.Raghuathan, learned counsel appearing for the petitioner submitted that the said alleged deficiencies pointed out by the University by communication dated 26.10.2022 has already been complied with and in this



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regard, a compliance report would be filed before this Court during the next hearing date. Only at that juncture the case has been adjourned for hearing today. Accordingly when the case is taken up for hearing today Mr.S.R.Raghunathan, learned counsel appearing for the petitioner has filed a compliance memo dated 02.11.2022, where, a detailed compliance report dated 28.10.2022 has been filed already which was forwarded to the Registrar of the respondent University and based on which it is the plea of the petitioner through the learned counsel that, let the compliance report be considered by the University and an early decision for grant of affiliation to the said course may be conferred to the petitioner institution so that the petitioner institution can get the benefit of admitting students for the said course for the academic year 2022-23 as the petitioner is already running out of time.

6. On the other hand, the learned Standing Counsel for the respondent University would submit that, immediately on receipt of the said compliance report dated 28.10.2022, the University has constituted an Inspection Team on 01.11.2022 and in this regard he has referred the communication to that effect issued by the University also wherein the Inspection Team has been



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constituted with the following members:

“M.S.Obstetrics & Gynaecology – 03 seats

INSPECTION TEAM ***		
Dr.J.Sreevidya, MS., Associate Professor Stanley Medical College, Chennai – 600 001. Cell: 9841423572 e.mail :sreevi711@gmail.com	Dr.Kalaivani.K Director, Kasturiba Gandhi Government Hospital Madras Medical College, Chennai 9840064218 kalaivani64@gmail.com directorkgh@gmail.com	Dr.Meena Prof Madras Medical College, Chennai 9840219064 meenats@gmail.com

** Senior Faculty will be the Convenor.”

7. He would also submit that, the Inspection Team since have been constituted, it would inspect the petitioner College to verify the compliance report dated 28.10.2022 and file a report to the University. The University on considering the same would take a decision as to whether the petitioner would be entitled to get affiliation for the said course viz., M.S. Obstetrics and Gynaecology for the current academic year or not. The needful would be done at the earliest, he contended.

8. I have considered the said submissions made by the learned counsel appearing for both sides and have perused the materials placed before this Court.



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9. Now the issue has been narrowed down to the extent that the compliance report submitted by the petitioner College dated 28.10.2022 has to be considered by the respondent University for which the University has already constituted an Inspection Team on 01.11.2022.

10. In that view of the matter, this Court is inclined to dispose of this writ petition with the following orders:

That there shall be a direction to the respondent University to complete the inspection by the Inspection Team constituted vide communication dated 01.11.2022 at the earliest and take a decision thereon on the basis of the report to be submitted by the Inspection Team and final order to that effect shall be passed and communicate to the petitioner preferably within a period of one week from the date of receipt of a copy of this order.

11. With these directions, this Writ Petition is disposed of. No costs.

Consequently, connected miscellaneous petition is closed.

02.11.2022

Index : Yes / No

Speaking Order: Yes / No

Note: Issue order copy on **03.11.2022**

Sgl



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To

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1.The Registrar,
The Tamil Nadu Dr.M.G.R. Medical University,
No.69, Anna Salai Guindy,
Chennai – 600 032.

2.The Secretary, Selection Committee,
Directorate of Medical Education,
No.162, Periyar E.V.R. High Road,
Kilpauk, Chennai – 600 010.



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R. SURESH KUMAR, J.

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