



W.P.No.29749 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.29749 of 2022
and
W.M.P.No.29144 of 2022

Anushree L.J.

...Petitioner

Vs.

1. Government of Tamil Nadu,
Rep. by its Secretary to Government,
Health and Family Welfare Department,
Secretariat, Fort St. George,
Chennai - 600 009.

2. The Directorate of Medical Education,
Directorate of Medical Education,
162, E.V.R. Periyar Salai,
Kilpauk, Chennai - 600 010.

3. The Additional Directorate of
Medical Education/Secretary,
Selection Committee,
Directorate of Medical Education,
162, E.V.R. Periyar Salai,
Kilpauk, Chennai - 600 010.

4. The Dean,
Government Medical College,
Ariyalur.

...Respondents



W.P.No.29749 of 2022

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order of the 3rd respondent in Ref.No. 6240/SCS1(1)/2022 dated 04.11.2022 and quash the same as arbitrary, illegal and non-est in the eyes of law and consequently direct the 3rd respondent to extend the cutoff date for a period of 6 weeks for the candidate "Anushree L J" in joining MBBS course 2022-2023 allotted in the 4th respondent College.

For Petitioner : Mr.V.Gopalsamy

For R1, R2 & R4 : Mr.U.M.Ravichandran,
Special Government Pleader

For R3 : Ms.M.Sneha,
Standing Counsel

ORDER

The prayer sought for is for a Writ of Certiorarified Mandamus to quash the impugned order of the third respondent in Ref.No. 6240/SCS1(1)/2022 dated 04.11.2022 and consequently direct the third respondent to extend the cutoff date for a period of 6 weeks for the petitioner herein in joining MBBS course for the academic year 2022-2023 allotted in the fourth respondent College.

2. The petitioner, since was selected for admission in the First Year

MBBS degree course for the academic year 2022-2023, was permitted to



W.P.No.29749 of 2022

participate in the counseling by the respondent Selection Committee, pursuant to which, based on the ranking, the petitioner was allotted a seat for admission in MBBS degree at Ariyalur Medical College.

3. However, before the petitioner joined in the College, as per the allotment order dated 29.10.2022, the petitioner along with her parents met with an accident on 31.10.2022. Since it is a major accident, the petitioner and her parents suffered major injuries and they have been admitted in Government Mohan Kumaramangalam Medical College Hospital, Salem, where they are taking treatment as in-patients.

4. After this was brought to the notice of the third respondent, considering the request of the petitioner, the time for joining in the Medical College has been extended by the third respondent upto 11.11.2022.

5. However, since the petitioner suffered major injuries, a surgery has to be undertaken by the petitioner and therefore, it may not be possible for the petitioner to join in the College before 11.11.2022. Hence, seeking for an extension of 6 weeks period to join in the fourth



W.P.No.29749 of 2022

respondent College, the petitioner has moved this writ petition with the aforesaid prayer.

6. Heard Mr.V.Gopalsamy, learned counsel for the petitioner, who having reiterated the aforesaid, seeks indulgence of this Court.

7. Heard Mr.U.M.Ravichandran, learned Special Government Pleader appearing for the respondents 1, 2 and 4 and Ms.M.Sneha, learned Standing Counsel appearing for the third respondent, who would submit that, in view of the peculiar circumstances where not only the petitioner, but also her parents met with an accident and they have also been admitted for taking treatment in the hospital and also the fact that though the request of the petitioner for extension of time was considered and accordingly, time was granted till 11.11.2022 for the petitioner to join in the fourth respondent College and now since the petitioner, through her maternal uncle has filed this writ petition, seeks some more time to extent of 6 weeks, this Court may consider the same and grant some more time for the petitioner to join in the College, by considering the nature of injuries sustained by the petitioner and her parents.



W.P.No.29749 of 2022

8. However, in the meantime, if any one on behalf of the petitioner is able to remit the fee payable to the Ariyalur Medical College where the petitioner has secured admission, the seat allotted to the petitioner would not be re-surrendered to the common pool for re-allotment by the Selection Committee in the next round of counseling, thereby creating a third party right.

9. Having considered the said submissions made by the learned counsel for the respective parties and taking into account the peculiar circumstances of the case, where in between the date of allotment and the last date of joining, since the petitioner met with an accident along with her parents and suffered severe injuries and since she was admitted in the hospital for taking treatment, the plea raised by the petitioner can very well be considered on the ground of equity and sympathy.

10. In the result, this Court is inclined to dispose of this writ petition with the following orders:-

(a) There shall be a direction to the third respondent to permit the petitioner to take four weeks period further to join in the Ariyalur Medical College in the First Years MBBS Degree course, as per the



W.P.No.29749 of 2022

allotment order given by the third respondent dated 29.10.2022.

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(b) In the meanwhile, the maternal uncle of the petitioner, namely Mr.Pannerselvam, who had filed the affidavit on behalf of the petitioner in this writ petition, can make arrangements to pay the fees payable to the fourth respondent College through the mode of payment fixed already, within a period of 2 weeks from the date of receipt of a copy of this order.

(c) The petitioner is at liberty to approach this Court to seek for any further extension of time to join in the College, due to the surgery which the petitioner is going to undertake, as per the medical advice or the report of the Medical Board.

11. With these directions, the Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

09.11.2022

Index:Yes/No

Speaking order/Non-speaking order

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Note: Issue order copy on 14.11.2022



W.P.No.29749 of 2022

To
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W.P.No.29749 of 2022

R. SURESH KUMAR, J.

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W.P.No.29749 of 2022

09.11.2022