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W.P.No.30556 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.11.2022

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

Writ Petition No.30556 of 2022

V.P.Muthiah Pillai Meenakshi Ammal Trust
(Public Charitable Trust) represented by
its Chairman, V.P.M.Sankar M/Age 67 years
S/o VP.Muthiah Pillai,VPM Nagar, Krishnan Koil
Srivilliputhur Taluk, Viruthunagar District.

.... Petitioner

-Vs-

1.The Principal Secretary
Department of Health and Family Welfare
Namakkal Kavignar Maligai
Secretariat, Fort St.George
Chennai 600 009.

2.The Directorate of Medical Education
O/o Director of Medical Education
162, Periyar EVR High Road
Chennai 600 010.

3.The Registrar
Tamil Nadu Dr.MGR Medical University
Guindy, Chennai 600 032.

.... Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the first respondent to dispose of the petitioner's application dated 15.07.2021 given to the 2nd respondent for the commencement of B.Sc Paramedical Allied Health Science Degree Courses for the Academic Year 2022-23 within the time prescribed by this Hon'ble Court.



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For Petitioner : Mr.Durai Gunasekaran
For Respondents : Mr.U.M.Ravichandran
Special Government Pleader

ORDER

The prayer sought for herein is for a Writ of Mandamus directing the first respondent to dispose of the petitioner's application dated 15.07.2021 given to the 2nd respondent for the commencement of B.Sc Paramedical Allied Health Science Degree Courses for the Academic Year 2022-23 within the time prescribed by this Hon'ble Court.

2. The petitioner being a Trust wanted to start Allied Health Sciences Courses and in order to get approval from the first respondent, it made an application to the first respondent on 28.06.2021. The said application, having been considered was forwarded to the second respondent, by communication of the first respondent dated 30.06.2021 stating the following:

" I am directed to enclose a copy of the reference cited along with its enclosures in original (Demand Draft No.037858, City Union Bank, dated 28.06.2021 for Rs.1,00,000/-) wherein the Chairman, V.P.Muthaiah Pillai – Meenakshi Ammal Trust, Krishnankoil, Virudhunagar has submitted a proposal to start following Allied Health Science Courses in the name and style as 'VPMM College of Allied Health Sciences for Women', Krishnankoil, Srivilluputhur Taluk, Virudhunagar from the



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academic year 2021-2022.

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- i. B.Sc – Operation Theatre and Anesthesia Technology*
- ii. B.Sc – Cardiac Technology*
- iii. B.Sc – Dialysis Technology*
- iv. B.Sc – Medical Lab Technology*
- v. B.Sc – Accident and Emergency Care Technology*

2. I am to request you to make necessary arrangements to cause an inspection at the said institution as per the Government norms. The project proposal enclosed herewith should be scrutinized properly at the time of inspection by the inspection Committee.

3. I am also to request you to ensure whether building plan approval has been obtained from the DTCP authority and building certificate from the competent authority and to forward to inspection report along with your specific remarks on the gap analysis made with reference to demand and supply and recommendations in tabular form with CD to Government early.”

3. Pursuant to the said directive issued by the first respondent, the second respondent formed an inspection team and according to the petitioner, the team had inspected the petitioner institution on 06.02.2022 and the said inspection report was forwarded by the second respondent to the first respondent / State Government on 01.06.2022. However, so far the first respondent has not taken any decision passing any orders giving such permission to the petitioner to start



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the allied health sciences courses referred to above. Therefore, the petitioner has moved the present writ petition.

4. Heard the learned counsel for the petitioner, who after having reiterated the aforesaid facts, would seek the indulgence of this Court.

5. Heard Mr.U.M.Ravichandran, learned Special Government Pleader appearing for the respondents 1 and 2 and Mr.S.Wilson, learned Standing Counsel for the third respondent.

6. Learned Special Government Pleader would submit that, if the inspection is already over and a report to that effect had been forwarded to the first respondent by the second respondent as claimed by the petitioner in the month of June 2022, then certainly the same would be considered by the first respondent and accordingly an early decision would be taken and the same would be communicated to the petitioner at the earliest.

7. I have heard the learned counsel on either side and have perused the materials placed on record.

8. Since the application submitted by the petitioner having been processed



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and an inspection was conducted and the inspection report was also sent to the first respondent on 01.06.2022 itself, by this time the same should have been considered and orders to that effect should have been passed by the first respondent. However, the same has not been considered and no orders seems to have been passed so far.

9. Hence, this Court is inclined to dispose of this writ petition with a direction to the first respondent to pass orders on the application of the petitioner based on the inspection report forwarded by the second respondent on 01.06.2022. In this regard, if any further input is required from the petitioner, a communication can be given to the petitioner and after receipt of the same, the petitioner shall respond to the same immediately. The needful as indicated above shall be undertaken by the first respondent and a final order shall be passed by the first respondent within a period of four weeks from the date of receipt of a copy of this order. With the above directions, this writ petition is disposed of. No costs.

17.11.2022

Index : Yes/No
Internet : Yes/No
KST

Note : Issue order copy on Monday (21.11.2022)

To



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Department of Health and Family Welfare
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R. SURESH KUMAR, J.

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