



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.01.2022

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P. (MD) No.46 of 2022

and

W.M.P. (MD) No.36 of 2022

WEB COPY

Ms.K.Sukisha

... Petitioner

vs.

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

2.The Additional Director of Medical Education,
Secretary, Selection Committee,
162, Periyar EVR High Road, Kilpauk,
Chennai-600 010.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to consider the petitioner for admission to MBBS/BDS Degree Courses in Tamil Nadu Government Medical/Dental Colleges, I.R.T. Medical College, Perunthurai, Erode for the academic year 2021-2022 on the basis of the order passed in W.P.(MD)No.17414 of 2018, dated 08.05.2019 and as per order passed in W.A.(MD)No.610 of 2019, dated 19.08.2021 and on the basis of G.O.(Ms)No.1142 Health and Family Welfare Department, dated 30.06.1979 and reiterated in Priority VII to IX in vide letter F.No.6(1)/2017/D (Res II) dated 30.11.2017 as revised on 21.05.2018 by the Union Government in the category of Children of Serving Defence Personnel and based upon the petitioner's representation dated 24.12.2021.

For Petitioner : Mr.K.K.Kannan

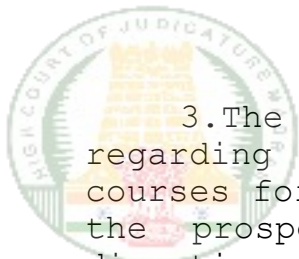
For Respondents : Mr.D.Ghandiraj

Special Government Pleader

O R D E R

The writ petition has been filed seeking consideration of a representation dated 24.12.2021, by which representation, the petitioner seeks admission to MBBS/BDS Degree Courses in Tamil Nadu Government Medical/Dental Colleges, I.R.T. Medical College, Perunthurai, Erode for the academic year 2021-2022.

2.The relief is based on a string of orders apparently passed by the learned Single Judges and the Division Benches of this Court. Orders may be passed by the Courts, but they should be put into effect by the Executive. So long as they are not put into the effect by the Executive, the orders remain only on paper.



3.The learned counsel for the petitioner raised grievance regarding the prospectus now issued for admission to the aforesaid courses for the academic year 2021-2022 and expressed grievance that the prospectus has not been amended in consonance with the directions of the orders passed by this Court. The orders passed are known to the respondents. They will have to take a decision whether they are going to abide with the orders or question such orders in manner known to law or not to abide with the orders and proceed with the admission in accordance with the prospectus. Since the learned counsel stated that the representation be considered, it would only be appropriate that the Court also first invites the respondents to give their opinion on the representation of the petitioner herein.

4.A direction is given to the respondents to consider the representation given by the petitioner aforementioned and pass necessary orders after taking into consideration the various judgments of the learned Single Judges and the Division Benches of this Court which have been cited as documents to the writ petition. The respondents may pass necessary orders within a period of three weeks from the date of receipt of a copy of this order. The respondents may take into consideration the string of orders passed which initially granted relief to the petitioner. The said relief was stayed and this Court has no idea at all what is the present position. It is for the respondents to decide and pass necessary orders.

5.With the above observations, the Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

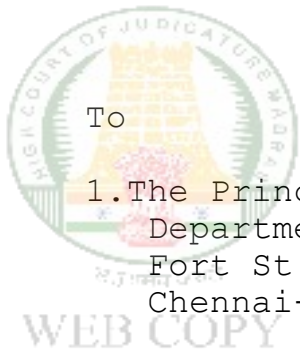
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/ /2022

Sub Assistant Registrar(CS)

sjj

Note:In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



To

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

2.The Additional Director of Medical Education,
Secretary, Selection Committee,
162, Periyar EVR High Road, Kilpauk,
Chennai-600 010.

+1 CC to M/s.K.K.KANNAN, Advocate (SR-421[F] dated 05/01/2022)

+1 CC to M/s.SPL.GP (SR-572[F] dated 06/01/2022)

W.P.(MD) No.46 of 2022
05.01.2022

SR(CO)
GC(12.01.2022) 3P 5C