



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.[MD]No.1317 of 2022

Arvindh

... Petitioner

Vs.

1.The Union of India,
Rep. by its Home Secretary,
Ministry of Home Affairs,
North Block, New Delhi-110 001.

2.The Union of India,
Rep. by its Secretary,
Ministry of Health and Family Welfare,
Nirman Bhawan, C-Wing,
New Delhi-110 001.

3.The Director General,
Medical Counselling Committee (MCC),
Pocket-14, Sector-8,
Phase-I, Dwarka, New Delhi-110 077.

4.The State of Tamil Nadu,
Rep. by its Principal Secretary to Chief Minister,
Chief Minister Office, Secretariat, Chennai-600 009.

5.The State of Tamil Nadu,
Rep. by Principal Secretary,
Health and Family Welfare,
Secretariat, Chennai.

6.The Additional Director of
Medical Education cum Secretary,
Selection Committee, Chennai.

7.The Director,
Tamil Nadu Medical Council Committee,
914-Poonanallee High Road,
Arumbakkam,
Chennai-600 106.

... Respondents

[R6 is suo-motu impleaded and the original sixth respondent shown in the cause list is re-classified as 7th respondent vide order dated 27.01.2022 in W.P.(MD)No.1317 of 2022]

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to give a MBBS Seat in the Tamil Nadu Government Medical College by



considering the petitioner's application number is 814874 and representation dated 19.01.2022.

For Petitioner : Mr.R.Jegadeeswaran

For R1 to R3 : Mr.R.Sankaranarayanan
Additional Solicitor General of India
assisted by Mr.S.Sivakumar
Central Government Standing Counsel

For R4 to R6 : Mr.V.Om Prakash
Government Advocate

For R7 : Mr.C.Karthik
Standing Counsel

O R D E R

This Writ Petition has been filed for a Mandamus seeking for a direction to consider the petitioner's representation seeking for allotment of MBBS seat in the Tamil Nadu Government Medical College.

2.According to the petitioner, his father is an ambulance driver, was a Covid warrior and as a son of Covid warrior, he is entitled for allotment of MBBS seat. He has completed NEET examination. He has given a representation on 19.01.2022 to the respondents seeking for seat allotment. Since the representation has not been considered, this writ petition has been filed.

3.Mr.R.Sankaranarayanan, learned Additional Solicitor General appearing for the first and second respondents would submit that the petitioner is not entitled for any seat allotment in MBBS course, as he is not the son of a deceased Covid warrior. The scheme for provision of a medical seat is meant only for children of deceased Covid warrior. Since the petitioner does not fall under the said category, he is not entitled for any seat. But however, he would submit that the representation, dated 19.01.2022 submitted by the petitioner, which is subject matter of the writ petition will be considered on merits and in accordance with law.

4.Mr.C.Karthik, learned Standing Counsel appearing for the seventh respondent also reiterates the submission made by the learned Additional Solicitor General for the first and second respondents.

5.Mr.V.Om Prakash, learned Government Advocate appearing for the respondents 4 to 6 would submit that insofar as the allotment of seat is concerned, the sixth respondent has no role to play.



6.The statement made by the respective counsels is recorded.

7.No prejudice would be caused to the official respondents, if the representation dated 19.01.2022 submitted by the petitioner is considered on merits and in accordance with law.

8.The learned Additional Solicitor General would also submit that the representation, dated 19.01.2022 given by the petitioner has been addressed to the wrong parties and it ought to have been addressed to the Directorate of Medical Education, Chennai and Directorate of Health Services, Chennai.

9.After recording the submission made by the learned Additional Solicitor General, the learned counsel for the petitioner submits that he will instruct the petitioner to send a fresh representation to the correct authority in lieu of the earlier representation, dated 19.01.2022.

10.Accordingly, this Court directs the petitioner to submit a fresh representation to the Directorate of Medical Education, Chennai and Directorate of Health Services, Chennai, within a period of two weeks from the date of receipt of a copy of this order. On receipt of the said representation, the said authority shall pass final orders, on merits and in accordance with law, within a period of two weeks thereafter.

11.With the aforesaid direction, the Writ Petition stands disposed of. There shall be no order as to costs.

Sd/-

Assistant Registrar (CRL)

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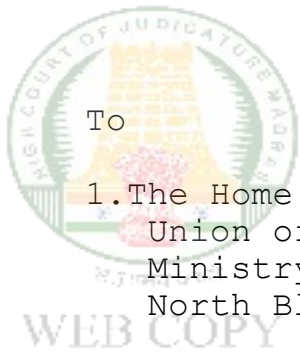
/ /2022

Sub Assistant Registrar(CS)

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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 Home Secretary,
Union of India,
Ministry of Home Affairs,
North Block, New Delhi-110 001.
- 2.The Secretary,
Union of India,
Ministry of Health and Family Welfare,
Nirman Bhawan, C-Wing,
New Delhi-110 001.
- 3.The Director General,
Medical Counselling Committee (MCC),
Pocket-14, Sector-8,
Phase-I, Dwarka,
New Delhi-110 077.
- 4.The Principal Secretary to Chief Minister,
State of Tamil Nadu,
Chief Minister Office, Secretariat,
Chennai-600 009.
- 5.The Principal Secretary,
State of Tamil Nadu,
Health and Family Welfare,
Secretariat, Chennai.
- 6.The Additional Director of
Medical Education cum Secretary,
Selection Committee, Chennai.

Copy to:

- 1.The Director,
Directorate of Medical Education, Chennai.
- 2.The Director,
Directorate of Health Services, Chennai.

+1 CC to M/s.S.SIVA KUMAR, Advocate (SR-5851[F] dated 14/02/2022)

+1 CC to M/s.SPL GP (SR-5966[F] dated 14/02/2022)

W.P. [MD]No.1317 of 2022
11.02.2022

MGJ(15.02.2022) 4P 11C