



W.P.No.13251 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.03.2023

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.No.13251 of 2019

and

W.M.P.No.13369 of 2019

Seethal.S.Pal

... Petitioner

Vs.

1. Medical Council of India,
Represented by its President/Joint Secretary,
Pocket – 14, Sector – 8, Dwarka Phase I 1,
New Delhi – 110 077.
2. State of Puducherry,
Represented by its Secretary,
Department of Health,
Goubert Avenue, Chief Secretariat,
Puducherry – 605 001.
3. Chairman,
Permanent Admission Committee,
Directorate of Higher and Technical Education (PIPMATE),
Lawspet, Puducherry – 605 008.
4. Mahatma Gandhi Medical College & Research Institute,
Represented by its Chairman,
Pondicherry Cuddalore ECR,
Pillayarkuppam, Puducherry – 607 402. ... Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the letter dated 07.09.2017 bearing Reference No.MCI/34/(MC)/2016/17-138338 issued by the Medical Council of India, the 1st respondent herein and the consequential order dated 14.09.2017 bearing Reference No.2592/Health/H5/2017-18 issued by the State of Pondicherry Secretary Department of Health, Puducherry, the 2nd respondent herein to quash the same as illegal and arbitrary and consequentially direct the respondents herein to permit the petitioners to continue and complete the MBBS courses in Mahatma Gandhi Research Institute, Deemed University, governed by UGC (Institutions deemed to be Universities) Regulations, 2016.

For Petitioner : M/s.D.Nagasaila
Senior Counsel
for Dr.V.Suresh

Respondents : Mrs.Shubharanjani Ananth [R1]
Mr.J.Kumaran
Additional Government Pleader
(Puducherry) [R2 & R3]
Mr.K.Swaminathan [R4]

ORDER

The Writ Petition has been filed seeking for a Writ of Certiorarified Mandamus, to call for the letter dated 07.09.2017 bearing



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Reference No.MCI/34/(MC)/2016/17-138338 issued by the Medical Council of India, the first respondent herein and the consequential order dated 14.09.2017 bearing Reference No.2592/Health/H5/2017-18 issued by the State of Pondicherry Secretary Department of Health, Puducherry, the second respondent herein to quash the same as illegal and arbitrary and consequentially, to direct the respondents herein to permit the petitioners to continue and complete the MBBS courses in Mahatma Gandhi Research Institute, Deemed University, governed by UGC (Institutions deemed to be Universities) Regulations, 2016.

2. The case of the petitioner is that the petitioner is a student studying MBBS Course in Mahatma Gandhi Medical College & Research Institute, the fourth respondent herein and she was admitted in the academic year 2016 – 2017. Challenging the impugned orders dated 07.09.2017 issued by the first respondent and 14.09.2017 issued by the second respondent respectively, the present writ petition is filed.

3. The learned counsel for the petitioner would submit that the very same impugned orders challenged in this writ petition, were already



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challenged before this Court in a batch of writ petitions in W.P.No.17527 of 2017 etc., batch and this Court by its order dated 29.04.2022 quashed the impugned orders. Therefore, he prayed that the similar relief may be granted to the petitioner herein.

4. The learned Standing Counsel appearing for the first respondent would submit that, though this Court quashed the impugned orders dated 05.07.2017, 07.09.2017 and 14.09.2017, however, the same is subject to the result of the appeal filed by the official respondents.

5. Heard the learned counsel appearing for both the parties and perused the materials available on record.

6. In view of the aforesaid submissions, this Court is inclined to extend the same benefit to this petitioner also. Accordingly, the writ petition is allowed and the impugned letter dated 07.09.2017 bearing Reference No.MCI/34/(MC)/2016/17-138338 issued by the first respondent and the consequential order dated 14.09.2017 bearing Reference No.2592/Health/H5/2017-18 issued by the second respondent



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are quashed. No costs. Consequently, the connected miscellaneous petition is closed.

20.03.2023

Index : Yes / No
Speaking order / Non-speaking order
Neutral Citation Case : Yes / No
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To

- 1.The President/Joint Secretary,
Medical Council of India,
Pocket – 14, Sector – 8, Dwarka Phase I 1,
New Delhi – 110 077.
- 2.The Secretary,
State of Puducherry,
Department of Health,
Goubert Avenue, Chief Secretariat,
Puducherry – 605 001.
- 3.The Chairman,
Permanent Admission Committee,
Directorate of Higher and Technical Education (PIPMATE),
Lawspet, Puducherry – 605 008.
- 4.The Chairman,
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M.DHANDAPANI, J.

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