



W.P.No.15459 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.06.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.15459 of 2023

and

W.M.P.Nos.15010 and 15011 of 2023

1. K.Pooja Chakravarthi

2. S.Gopalakrishnan

3. N.Murali Krishnan

4. D.Jai Adithya

5. U.Mohamed Aashiq Samsudin

... Petitioners

Vs.

1. The Tamil Nadu Dr.MGR Medical University,
Represented by its Registrar,
No.169, Anna Salai,
Guindy,
Chennai - 600 032.

2. The Selection Committee,
Represented by its Secretary,
Directorate of Medical Education,
No.162, Periyar E.V.R. High Road,
Kilpauk,
Chennai - 600 010.



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3. Sri Muthukumaran Medical College Hospital

Research Institute,

Represented by its Managing Trustee Gomathi Ammal,

Chikkarayapuram,

Near Mangadu,

Chennai - 600 069,

Tamil Nadu.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the first respondent Medical University to permit the petitioners to sit for the supplementary examinations scheduled to be conducted on and from 07.06.2023 for the third year MBBS students admitted to the third respondent College in the year 2019-2020, by considering their application and prescribed fee thereof and by issuing hall tickets subject to the decision that may be rendered in W.P.Nos.28148 and 31524 of 2022 which has been reserved for orders on 23.11.2022 and 25.11.2022 and the orders is likely to be pronounced sooner or in the month of June or July, 2023.

For Petitioners : Mr.R.Viduthalai
Senior Counsel
for Mr.S.Rajendiran

For Respondents : Mr.R.Imayavaramban for R1
for Ramalingam Associates
Ms.M.Sneha for R2
Mr.Masilamani for R3
Senior Counsel
for Mr.M.Vishnu Venkatesh



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ORDER

W.M.P.No.15010 of 2023 has been filed to permit the petitioners to file the Writ Petition jointly is allowed, subject to payment of separate sets of court-fee by the petitioners. In default of compliance, the order passed in the Writ Petition shall be applicable only to the first petitioner.

2. This Writ Petition has been filed for a direction to the first respondent Medical University to permit the petitioners to sit for the supplementary examinations scheduled to be conducted on and from 07.06.2023 for the third year MBBS students admitted to the third respondent College in the year 2019-2020, by considering their application and prescribed fee thereof and by issuing hall tickets subject to the decision that may be rendered in W.P.Nos.28148 and 31524 of 2022 which has been reserved for orders on 23.11.2022 and 25.11.2022.



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3. The case of the petitioners is that the petitioners are bonafide students studying MBBS Degree Course in the third respondent Medical College. On 29.08.2019, the third respondent College notified in their official website that the College Management proposed to conduct counseling on 30.08.2019 by 9.00 am at the College campus to admit students for 9 vacancies which remained unfilled. The said notification further revealed that counseling for admission to MBBS Course of their College for the academic year 2019-2020 was conducted by the second respondent Selection Committee on 27.08.2019. Out of 150 seats, 9 seats were left unfilled as on 29.08.2019 the last date for the selected students to join in their College and that the College Management proposed to conduct such counseling. Accordingly, the petitioners participated in the counseling conducted by the third respondent College along with other candidates. Nine students were selected on merit and admitted to the aforesaid vacancies of the MBBS Course for the academic year 2019-2020. The petitioners are five among the nine students. The petitioners dedicated everything and concentrated in their study for the first year examination



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scheduled to be commenced from 15.02.2021. However, the petitioners were not permitted to take part in the examination, thereby the third respondent College filed W.P.No.3234 of 2021 before this Court seeking for mandamus to direct the respondents 1 and 2 to issue Hall Ticket to the petitioners to take their examination scheduled to be commenced from 15.02.2021. But the petitioners herein were not made as parties to that Writ Petition. The said Writ Petition was dismissed on 11.02.2021 with a finding that the petitioners admissions to the vacancies of MBBS Course were without any recourse to the second respondent Selection Committee and hence, against the Regulations.

4. It is the further case of the petitioners is that aggrieved by the learned Single Judge order, the third respondent College preferred Writ Appeal in W.A.No.604 of 2021, in which, the petitioners herein were also not made as parties therein. The Hon'ble Division Bench while admitting the Writ Appeal on 13.02.2021, granted an order of interim directions to the respondents 1 and 2 herein to issue Hall Ticket to the petitioners herein for



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taking their first year examination scheduled to be commenced from 15.02.2021, however, their results are directed to be with held. Subsequently, on 26.04.2021, the Hon'ble Division Bench was pleased to direct the first respondent University to publish the result of the petitioners enabling them to appear in the supplementary examinations if necessary. Since the petitioners were allowed to write their second year examinations held in March, 2022, but, its result has been with held due to the pendency of the litigation regarding their admission to the MBBS Course, subsequently, the said W.A.No.604 of 2021 also got dismissed on 22.06.2022 after contest by the third respondent Medical College and thereby the petitioners were made to suffer in the circumstances where they were not parties in the Writ Petition and the Writ Appeal and not given an opportunity of being heard. Aggrieved against the judgment in W.A.No.604 of 2021, the third respondent Medical College preferred a Special Leave Petition in SLP (C) No.12735 of 2022. There petitioners also, as aggrieved students, preferred Special Leave Petition in SLP (C) Diary No.23565 of 2022. Both SLPs came together for hearing before the Hon'ble Supreme



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Court on 08.08.2022. But the third respondent College withdrew its SLP (C) No.12735 of 2022 and the petitioners in SLP (C) Diary No.23565 of 2022 was also permitted to be withdrawn with liberty enabling them to pursue their remedies as available in law before this Court.

5. In the meantime, the first respondent University issued the impugned order dated 08.08.2022 directing the third respondent College to discharge the petitioners from pursuing their MBBS Course, against which, the petitioners were constrained to approach this Court in W.P.Nos.28148 and 31524 of 2022 and the Writ Petitions were heard and orders were reserved on 23.11.2022 and 25.11.2022. Taking advantage of the pendency of the litigation, the petitioners were not permitted to participate in the forthcoming supplementary examinations scheduled to be held for third year MBBS students on 07.06.2023. Hence, the present Writ Petition has been filed.



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6. The learned Senior Counsel appearing for the petitioners would submit that in paragraph No.13 of the affidavit the petitioners had categorically stated that they are only seeking a direction to write the supplementary examination to be held for the third year MBBS Course which scheduled to be held on 07.06.2023 subject to the outcome of the Writ Petitions which is reserved for orders. If the petitioners do not succeed in the Writ Petitions, their participation in the examination also goes along with the Writ Petitions. Hence, he prays for allowing this Writ Petition and to allow the petitioners to write the ensuing examination.

7. The learned counsel appearing for the respondents 1 and 2 would submit that though the first respondent University had already issued the impugned order to the third respondent College to discharge the petitioners from MBBS Course, however the said order was challenged before this Court in W.P.Nos.28148 and 31524 of 2022 and the same was reserved for orders. Hence, they pray for dismissal of the Writ Petition.



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8. In reply to the said contention, the learned Senior Counsel appearing for the third respondent College would submit that though the first respondent University has already issued a direction to the third respondent College to discharge the petitioners from MBBS Course, however the Hon'ble Supreme Court granted liberty to the petitioners to pursue their remedies before this Court. Hence, he prays for allowing the Writ Petition.

9. Heard the learned counsel appearing for the parties and perused the materials placed before this Court.

10. The facts in the present case are not in dispute. Admittedly, this is a second round of litigation. The third respondent College filed a Writ Petition which was dismissed, and when taken on Writ Appeal, a Division Bench of this Court granted an order of interim directions to the respondents 1 and 2 to issue Hall Ticket to the petitioners herein for taking their first year examination scheduled to be commenced from 15.02.2021, however,



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their results are directed to be with held. Thereafter, a further direction was issued to release the results in order to enable them to participate in the supplementary examinations. Subsequently, the Writ Appeal got dismissed on 22.06.2022, as against which, the third respondent Medical College preferred a Special Leave Petition in SLP (C) No.12735 of 2022 and the petitioners also, as aggrieved students, preferred Special Leave Petition in SLP (C) Diary No.23565 of 2022. Both SLPs came together for hearing before the Hon'ble Supreme Court on 08.08.2022. But the third respondent College withdrew its SLP (C) No.12735 of 2022 and the petitioners in SLP (C) Diary No.23565 of 2022 was also permitted to be withdrawn with liberty enabling them to pursue their remedies as available in law before this Court.

11. In the meanwhile, the first respondent University issued the impugned order dated 08.08.2022 directing the third respondent College to discharge the petitioners from pursuing their MBBS Course. Aggrieved by the impugned order of the first respondent University, the petitioners were



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constrained to approach this Court in W.P.Nos.28148 and 31524 of 2022.

The Writ Petitions were heard and orders were reserved on 23.11.2022 and 25.11.2022. However, the petitioners were not permitted to participate in the forthcoming supplementary examinations to be held for third year MBBS students on 07.06.2023, subject to the Writ Petitions which were reserved for orders to be pronounced by this Court at any time.

12. The learned Senior Counsel appearing for the petitioners and the learned Senior Counsel appearing for the third respondent College claim that all along the petitioners were participated in the first year and second year examinations, however they were not allowed to participate in the supplementary examinations for the third year MBBS Course which scheduled to be held on 07.06.2023. Unless the petitioners participate in the examination, they would be deprived of their rights in case they succeed in W.P.Nos.28148 and 31524 of 2022.



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13. In view of the affidavit filed by the petitioners in Paragraph No.13, this Court is inclined to dispose of the Writ Petition with the following directions:

(i) The petitioners are directed to participate in the examination scheduled to be commenced on 07.06.2023. However, the appearance of the petitioners in the examination on 07.06.2023 will not give any enforceable right to them and is subject to the result of the Writ Petitions in W.P.Nos.28148 and 31524 of 2022 filed by the petitioners.

(ii) It is made clear that the petitioners cannot claim any equity for participation in the subsequent examinations and this order is confined only to the examination to be commenced on 07.06.2023.

(iii) The third respondent College is directed to collect the examination fee from the petitioners and remit to the first respondent University.

(iv) The first respondent is directed to issue Hall Ticket to the petitioners enabling them to participate in the examination scheduled to be commenced on 07.06.2023.



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14. With the above directions, this Writ Petition is disposed of.

Consequently, connected W.M.P.No.15011 of 2023 is closed. No costs.

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NCC: Yes / No

Index : Yes / No

Speaking Order : Yes / No

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Note: Issue order copy on 06.06.2023.



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To

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The Tamil Nadu Dr.MGR Medical University,
No.169, Anna Salai,
Guindy, Chennai - 600 032.
2. The Secretary,
The Selection Committee,
Directorate of Medical Education,
No.162, Periyar E.V.R. High Road,
Kilpauk, Chennai - 600 010.
3. The Managing Trustee Gomathi Ammal,
Sri Muthukumaran Medical College Hospital
Research Institute,
Chikkarayapuram,
Near Mangadu, Chennai - 600 069,
Tamil Nadu.



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M.DHANDAPANI,J.

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