



W.P.No.20911 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.07.2023

CORAM: JUSTICE N.SESHASAYEE

WP.No.20911 of 2023

R.Kavishri

...Petitioner

-Vs-

- 1.The Government of India,
Represented by its Undersecretary,
Ministry of Health and Family Welfare,
Nirmanbhawan, New Delhi – 110 001.
- 2.The President,
The National Medical Commission (NMC),
Pocket 14, Sector 8,
Dwarka Phase -1, New Delhi – 110 077.
- 3.The Assistant Director General,
Office of ADG,
Directorate General of health services,
Medical counselling committee,
Nimal bhawan, New Delhi – 110 108.
- 4.The Director,
The Tamil Nadu Medical Selection Committee,
Directorate of Medical Education,
162, Periyar E.V.R High Road, Kilpauk,
Chennai – 600 010.
- 5.The Registrar,
The Tamil Nadu Dr.M.G.R.Medical University,
No.69, Anna Salai, Guindy, Chennai.



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6.The Secretary,
University Grants Commission,
Bahadur Shah Zafar Marg,
New Delhi – 110 002.

7.M/s Annapoorana Medical College
& Hospitals,
Represented by its Dean,
Prof.Dr.B.Usha., M.D.,
Having its registered office at Sankari
Main Road (NG-47),
Kombadipatti Village, Veerapandi Union,
Salem South Taluk, Salem – 636 308.

8.Mr.T.Jagan

...Respondents

Prayer: Writ Petition is filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 6 to take action on the 7th respondent based on the petitioner's representation dated 03.04.2023.

For Petitioner : Mr.S.Kingston Jerold

For Respondent : Mr.C.Samivel,
(Senior Panel Central Government Standing Counsel)

For R2 : Ms.Shubharanjini Ananth,
For R6 : Ms.M.Sneha



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ORDER

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The seventh respondent is a self-functioning Medical College and the issue pertains to admission to the vacancy created by NRI lapsed seats.

2. According to the petitioner, on 29.12.2022, the petitioner received a call from the 7th respondent informing her that a seat is vacant, that she could join and required the petitioner to accept the offer so made. According to the petitioner, she has not joined the seventh respondent college and that the seventh respondent has laid O.S.No.206 of 2023 before the First Additional District Court, Salem for recovery of Rs.1,10,85,000/- from the petitioner.

3. The petitioner has now filed a representation to multiple respondents including the second respondent to enquire into the matter. In short, according to the petitioner, since she faces a claim of Rs.1,10,85,000/- without even joining the college or even accepting the offer made by the college, the petitioner seeks enquiry into this.



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4.Mr.C.Samivel, learned Senior Panel Central Government Standing Counsel takes notice for the first respondent. Mr.Shubharanjini Ananth, learned counsel appeared for the second respondent and Ms.M.Sneha, learned counsel appeared for the sixth respondent.

5.The learned counsel for the sixth respondent explained that the issue pertains to the Academic Year 2022-23 and that whenever any seat remained unfilled with any private college, the seat can be filled up only from the merit list prepared by the fourth respondent for the Academic Year. The self-financing Colleges or rather the private Medical Colleges do not have their independent right to fill up the vacancies on their own without reference to the fourth respondent.

6.She also submitted that so far as the present case is concerned, inasmuch as the course for the last year, nothing survives.

7.It is getting apparent that one of the objectives of the petitioner is to cull out some information to provide for the pending suit in the Salem Court.



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8. Even if the seventh respondent has over-reached his authority, then it upsets the National Medical Commission policy. Therefore, de hors the pending suit, the second respondent/NMC may hold an enquiry into the representation made by the petitioner and take a call on the matter. It is made clear that completion of the enquiry will not be a condition for the disposal of the pending suit in O.S.No.206 of 2023.

9. The Writ Petition is disposed of accordingly. No costs.

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Index : Yes/No

Internet : Yes/No

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N.SESHASAYEE, J.,



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