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W.P.No.28548 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.09.2023

CORAM

MR.JUSTICE N.SESHASAYEE

W.P.No.28548 of 2023

Mrinalini J

Represented by her Mother/Natural Guardian

Mrs.Vijayalakshmi J

... Petitioner

Vs.

1.Union of India,
Rep. by its Secretary,
Ministry of Health and Family Welfare,
Room No.156-A, A Wing,
Nirman Bhavan,
New Delhi – 110 011.

2.National Medical Commission,
Rep. by its Secretary,
Pocket 14, Sector-8,
Dwarka, Phase-I,
New Delhi-110 007.

3.The Medical Council Committee,
The Assistant Director General (Medical Examination)
Room No.352, A Wing,
Nirman Bhavan,
New Delhi – 100 011.



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4.National Testing Agency,
Rep. by its Chairman
Noida – 201 309.

5.The State of Tamil Nadu,
Rep. by Chief Secretary,
St.George Fort, Chennai – 600 009.

6.Director of Medical Education and Research,
Selection Committee,
162, Periyar E.V.R. High Road,
Kilpauk, Chennai – 600 010.

7.Sree Balaji Medical
College and Hospital,
Rep. by its Nodal Officer,
Chennai, No 7 Works Road
Chromepet Chennai, Tamil Nadu 600 044.

... Respondents

PRAYER: The writ petition filed under Article 226 of the Constitution of India, to issue a writ of Mandamus, directing the respondents herein to allot one seat for the MBBS program to the Petitioner in the allotted medical college, i.e., the Respondent No.7.

For Petitioner	: Mr.S.Prabakaran, Senior Counsel
For R1 & R3	: Mr.K.Srinivasamurthy, SPC
For R2	: Ms.Shubharanjani Anandh
For R4	: Ms.Sunita Kumari
For R5	: Mr.M.Bindran, AGP
For R6	: Ms.M.Sneha



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ORDER

The petitioner herein secured a seat in Medicine UG program with the seventh respondent, a deemed University. At the time of choice-locking the seat, the petitioner has paid a sum of Rs.2.05 Lakhs to the seventh respondent. However, she is stated to have fallen sick and hence, she could not join the course. Now, she requires that the said seat be allotted to the petitioner.

2.Mr.K.Srinivasamurthy, learned Special Panel Counsel takes notice for the respondents 1 and 3. Ms.Shubharanjani Anandh, learned counsel takes notice for the second respondent. Ms.Sunita Kumari, learned counsel takes notice for the fourth respondent. Mr.M.Bindran, learned Additional Government Pleader takes notice for the fifth respondent and Ms.M.Sneha, learned counsel takes notice for the sixth respondent.

3.Mr.S.Prabakaran, learned Senior Counsel appearing for the petitioner submitted that even if the petitioner does not join, that seat will still be vacant and inasmuch the counselling is complete, she can be considered for filling



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up the seat.

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4.This Court now merely directs the seventh respondent to consider the case of the petitioner, more so, given the circumstances under which she could not join the course within the time provided for that. The seventh respondent is required to consider the same as expeditiously as possible, since it is closing season for medical admission.

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

27.09.2023

Tsg

Index : Yes / No

Neutral citation : yes/no

Note: Issue order copy on 27.09.2023

To

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Rep. by its Secretary,
Ministry of Health and Family Welfare,
Room No.156-A, A Wing,
Nirman Bhavan,
New Delhi – 110 011.

2.National Medical Commission,
Rep. by its Secretary,

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Pocket 14, Sector-8,
Dwarka, Phase-I, New Delhi-110 007.

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3.The Medical Council Committee,
The Assistant Director General (Medical Examination)
Room No.352, A Wing,
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4.National Testing Agency,
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