



WP No.12558 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.12.2023

CORAM

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

WP No.12558 of 2017

1.G.Panchapakesan

2.Drishya Panchapakesan

: petitioners

Vs

1.Union of India

rep by Secretary to Government
Ministry of Health and Family Welfare
Vigyanbhavan, New Delhi

2.Medical Council of India

rep. by Secretary, Pocket 14, Sector 8
Dwaraka Phase 1 New Delhi

3.Union Territory of Puducherry

rep. by Secretary to Government
Health Department, Puducherry-605 001

4.The Secretary to Government

Higher Education Department
Puducherry-605 001

5.The Director of Health & Family Welfare Department

& Nodal Officer for Union Territory of Puducherry
O/o the Directorate of Medical Health & Family
Welfare Dept. Puducherry



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- 6.The Centralised Admission Committee (CENTAC)
Rep by Convenor, Pondicherry Engineering College Campus
Kalapet, Puducherry
- 7.The University Grants Commission
Bahadur Shah Marg New Delhi
- 8.Sri Balaji Vidyapeeth Deemed University
rep. by its Registrar
- 9.Mahatma Gandhi Medical College & Research Institute
(Affiliated to Sri Balaji Vidyapeeth Deemed University)
rep. by its Registrar, Puducherry
- 10.Vinayaka Missions University
(Deemed University) rep by its Registrar
- 11.ArupadaiVeedu Medical College and Hospital
(Affiliated to Vinayaka Missions Deemed University)
rep by Dean, Puducherry
- 12.Vinayaka Missions Medical College
(Affiliated to Vinayaka Missions Deemed University)
rep.by Dean, Karaikal, Puducherry UT
- 13.Bharath University
(Deemed University), rep by Registrar, Chennai
- 14.Sri Lakshmi Narayana Institute of Medical Sciences
(Affiliated to Bharat Deemed University)
Koodapakkam Post, Puducherry
- 15.Sri Venkateswara Medical College Hospital & Research Centre (SVMCH)
Ariyur Puducherry
- 16.Pondicherry Institute of Medical sciences (PIMS)
Rep by its Registrar
- 17.Sri Manakula Vinayakar Medical College & Hospital (SMVMCH)
Mdagadipet Puducherry : Respondents



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Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the second respondent / MCI to take appropriate action to revoke the illegal admissions of students to First Year MBBS Course for the year 2016- 2017 and to discharge them to direct 7th Respondent UGC to revoke the Deemed University Status of Respondents 8 10 & 13 to direct 2nd respondent MCI to initiate appropriate action against the respondents 9, 11, 12, 14, 15, 16 & 17 Private Medical Colleges to direct the respondent College 16 PIMS to pay appropriate compensation to the 2nd petitioners and to pass appropriate direction to ensure admission to her to the 1st year MBBS Course for the year 2017-18.

For the petitioners	:	Mr.M.Ravi
For respondent No.1	:	Mr.Sudhir Kumar, SCGSC
For Respondent No.2	:	Ms.Shubharanjini Ananth
For respondents 3 to 6	:	Mr.Vasantha Kumar
For respondent No.7	:	Mr.P.R.Gopinathan
For respondent No.14	:	Mr.K.Suresh
For respondents 8-12, 17:	:	Mr.T.Gowthaman, Senior Counsel, for Mr.L.Swaminathan
For respondent No.15	:	Mr.T.V.Lakshmanan
For respondent No.16	:	Mr.A.Jenasenan



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ORDER

(Made by the Hon'ble Chief Justice)

We have heard Mr.M.Ravi, learned counsel for the petitioners, Mr.Sudhir Kumar, learned counsel appearing for the first respondent, Ms.Shubharanjini Ananth, for the second respondent, Mr.Vasantha Kumar, learned counsel appearing for respondents 3 to 6, Mr.P.R.Gopinathan, learned counsel appearing for respondent No.7, Mr.K.Suresh, learned counsel appearing for Respondent No.14, Mr.T.Gowthaman, learned Senior Counsel, appearing for respondents 8 to 12 and 17, Mr.T.V.Lakshmanan, learned counsel appearing for respondent No.15 and Mr.A.Jenasenan, learned counsel appearing for respondent No.16.

2. A prayer is made to direct the second respondent / Medical Council of India (MCI) to take appropriate action to revoke the illegal admissions of students to First Year MBBS Course for the academic year 2016-17 and to discharge them. Further prayer is made to direct the seventh respondent UGC to revoke the deemed university status of respondents 8, 10 and 13 and to direct MCI to initiate appropriate



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action against the respondents 9, 11, 12, 14, 15, 16 & 17-private medical colleges.

3. The learned counsel for the petitioners submits that cut-off date of 30th September has to be adhered to in its true letter and spirit. Admissions cannot be made beyond the cut-off date. In the present case, the respondent institutions admitted students beyond the cut-off date. It is further submitted that if the students are admitted beyond the cut-off date, the National Medical Council can discharge the students and also direct the said medical institutions to surrender seats to the extent the students are discharged. Reliance is placed to clause 6A and 6B of the Medical Council of India Regulations.

4. According to the learned counsel, the documents placed on record clearly establish that after the cut-off date, admission was given to students by these institutions. The learned counsel further submits that respondent No.16 though had given admission to the second petitioner had charged exorbitant fees. As such, the second petitioner could not take that admission and less meritorious students



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were given admission. The learned counsel submits that this Court in its judgment in W.P.Nos.23732 of 2017 etc. batch (N.Naga Harihara Sudan vs. The Secretary to Government (Health), Puducherry and others) dated 18.07.2019 came to the conclusion that these institutions charged exorbitant fees. In view of that, the petitioners would be entitled for compensation.

5.The learned counsel for the institutions submits that the NMC had resorted to an action for discharge of 38 seats. The said action of NMC was set aside by the learned Single Judge of this Court under its judgment and order dated 29.04.2022 in WP No.17527 of 2017 (Sri Manakula Vinayagar Medical College & Hospital vs. The Government of Puducherry, rep. by its Secretary).

The following two issues were raised in the said batch of writ petitions:

- (i) Admission beyond the cut-off date; and,
- (ii) students admitted beyond CENTAC.

The learned Single Judge set aside the order of discharge of students.



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6. The said order of the learned Single Judge was upheld by the Apex Court in Special Leave to Appeal(C) No.18032 of 2023 dated 18.08.2023 (National Medical Commission vs. B.Manasvini). The said order has now attained finality as the SLP filed by the NMC is also dismissed. The Apex Court has observed that the question of law is kept open. The said question of law would be for subsequent years of admissions.

7. It is not the case of the second petitioner that she was not given admission. The second petitioner was offered admission in respondent no.16 medical college. However, she did not accept it on the ground that fees was exorbitantly charged. The other students approached this Court challenging the exorbitant fees by filing WP No.23732/2017 with connected writ petitions. The Division Bench of this Court under order dated 18.07.2019, allowed the said writ petitions holding that the fees charged is exorbitant. However, the students were directed to be admitted by this Court under its order.

8. The petitioners did not choose to approach this Court along



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with other students; however, sought admission in some other institution.

9. In light of the above, the issue with regard to admission for the year 2016-17 has attained finality.

10. In view thereof, the writ petition stands disposed of. There shall be no order as to costs.

11. WMP No.13335 of 2017, filed to allow the petitioners to file single writ petition is allowed and disposed of.

(S.V.G., CJ.)

(D.B.C., J.)

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Index : Yes/No
Neutral Citation : Yes/No
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