



W.A.No.2863 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 17.10.2023

CORAM :

**THE HON'BLE MR.SANJAY V.GANGAPURWALA,
CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY**

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1. Government of Tamil Nadu,
Represented by its Secretary,
Department of Health and Family Welfare,
Fort St.George, Chennai - 600 009.
2. The Director of Medical Education and Research,
156, Poonamallee High Road,
New Bupathy Nagar,
Chetpet, Chennai - 600 031.
3. The Secretary,
The Selection Committee,
The Director of Medical Education and Research,
156, Poonamallee High Road,
New Bupathy Nagar,
Chetpet, Chennai - 600 031. .. Appellants

Versus

1. M.Shriram
2. The Secretary,
Medical Council of India,
Sector 8, Pocket 14,

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Dwaraka, New Delhi - 110 077.

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3. Medical Counselling Committee,
Represented by Directorate General of
Health Services (DGHS),
Nirman Bhawan, New Delhi, - 110 108. .. Respondents

Prayer : Writ Appeal under Clause 15 of the Letters Patent to set aside the order, dated 11.10.2023 made in W.P.No.29086 of 2023 on the file of this Court and allow this Writ Appeal.

For Appellants : Mr.J.Ravindran,
Additional Advocate General,
Assisted by Mrs.G.Sneha

For Respondents : Mrs.Dakshayini Reddy,
Senior Counsel
for Mrs.S.Suneetha, for R1

: Mrs.Shubharanjani Ananth, for R2

: Mr.Ar.L.Sundaresan,
Additional Solicitor General of

India,

for Mr.V.Chandrasekar, for R3

JUDGMENT

(Judgment delivered by the Hon'ble Chief Justice)

Heard Mr.J.Ravindran, learned Additional Advocate General assisted by Mrs.G.Sneha, learned Counsel for the appellants; Mrs.Dakshayini Reddy, learned Senior Counsel for Mrs.S.Suneetha, learned



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Counsel for the first respondent; Mrs.Shubharanjani Ananth, learned Counsel for the second respondent and Mr.Ar.L.Sundaresan, learned Additional Solicitor General of India for Mr.V.Chandrasekar, learned Counsel for the third respondent.

2. The mess in medical admission process has caused students to litigate.

3. The Writ Petition was filed by the first respondent challenging the notification, dated 27.09.2023 and all the consequential re-allotments / allotments issued by the second appellant for the Round III counselling, dated 29.09.2023.

4. The learned Single Judge did not set aside the said notification. However, in paragraph No.77, the learned Single Judge observed as under:-

" 77. It is seen that candidates in serial numbers 2, 4 and 7 were initially allotted MD General Medicine in Madurai Medical College, K.A.P.V.Government Medical College, Trichy and Vellore Medical College respectively. Thus, the petitioner can be accommodated in any one



of these seats as well, if vacated now by the candidates by virtue of the upgradation in Round III."

5. Though much was argued about the impugned notification, we are not going into the merits of the same as the learned Single Judge has not set it aside and the same is not the subject matter of challenge in the present Writ Appeal.

6. As observed above, the learned Single Judge has observed that the first respondent can be accommodated in any one of the seats as well, if vacated now by the candidates by virtue of the upgradation in Round III.

7. We now only hasten to add that the said observation of the learned Single Judge would be subject to the other meritorious candidates above the first respondent. The first respondent cannot get more preferential rights than the other meritorious candidates.

8. The learned Counsel for the first respondent submits that in case, the appellants cannot allot a seat to the first respondent in M.D. General



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Medicine, since the first respondent is already allotted a seat in M.D.

General Surgery, the same may be protected.

9. It goes without saying that in case, the first respondent is not allotted a seat in M.D. General Medicine as per merit, then, certainly, the seat that is already allotted to the first respondent in M.D. General Surgery shall remain.

10. With the aforesaid clarification, the Writ Appeal stands disposed of. There will be no order as to costs. Consequently, C.M.P.No.23794 of 2023 is closed.

(S.V.G., CJ.)

(D.B.C., J.)

17.10.2023

Index : yes/no

Speaking order/Non-speaking order

Neutral Citation : yes/no

grs

To

1. The Secretary,
Medical Council of India,
Sector 8, Pocket 14,
Dwaraka, New Delhi - 110 077.

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2. The Directorate General of
Health Services (DGHS),
Medical Counselling Committee,
Nirman Bhawan, New Delhi, - 110 108.



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**THE HON'BLE CHIEF JUSTICE
AND
D.BHARATHA CHAKRAVARTHY, J.**

grs

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