



W.A.No.2966 of 2023

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.10.2023

CORAM

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

W.A.No.2966 of 2023

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

Vs.

1. K.Velan



W.A.No.2966 of 2023

WEB COPY

2. The Secretary
National Medical Commission
Pocket 14, Sector 8, Dwarka, Phase-1
New Delhi 110 077, India.

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

.. Respondents

Prayer: Appeal filed under Clause 15 of the Letters Patent against the order dated 19.10.2023 made in W.M.P.No.29962 of 2023 in W.P.No.30367 of 2023.

For the Appellants : Mr.P.S.Raman
Senior Counsel
For Ms.M.Sneha
Government Advocate

For the Respondents : Mrs.Dakshayini Reddy
Senior Counsel
For Ms.Suneetha
for Respondent-1

Mrs.Shubharanjani Ananth
for Respondent-2

Mr.AR.L.Sundaresan
Additional Solicitor General
For Mr.V.Chandrasekaran
Senior Panel Counsel
for Respondent-3



W.A.No.2966 of 2023

WEB COPY

JUDGMENT

(Delivered by the Hon'ble Chief Justice)

We have heard Mr.P.S.Raman, learned Senior Counsel for Ms.M.Sneha, learned Government Advocate for the appellants, Mrs.Dakshayini Reddy, learned Senior Counsel for Ms.Suneetha, learned counsel for the first respondent/original writ petitioner, Mrs.Shubaranjani Ananth, learned counsel for the second respondent and Mr.AR.L.Sundaresan, learned Additional Solicitor General for Mr.V.Chandrasekaran, learned Senior Panel Counsel for the third respondent.

2. The appeal is filed against the interim order passed by the learned Single Judge on 19.10.2023. It is submitted by Mr.P.S.Raman, learned Senior Counsel for the appellants that 20.10.2023 is the last date for the declaration of result and the candidates joining the course.

3. Learned Additional Solicitor General submits that the date



W.A.No.2966 of 2023

for joining has been extended to 25.10.2023.

4. Be that as it may, the matter is sub judice before the learned Single Judge. As such, we would not dilate on the merits of the matter. In paragraph 7, the learned Single Judge has observed as under:

"7. Since some time is sought by learned AAG to file a counter, this position would have to be examined after completion of pleadings. Thus, some interim protection is called for. One option to the Court is to, as suggested by the respondents, permit them to proceed with declaration of the results, with a rider that the allotment of seats to the 50 candidates in the writ annexure, will be subject to the result of this writ petition. The second option is for this Court to stay the declaration of results till final hearing which is fixed on 30.10.2023 in order that there would be finality on the issue. I have given my anxious consideration to the aforesaid options. Rather than permit allotment of seats to the 50 candidates with a caveat, this Court refers to withhold the



W.A.No.2966 of 2023

WEB COPY

result for a short period in order that the matter would be heard and decided finally once and for all. Thus, there will be an interim stay of declaration of results with respect to the 50 seats set out in the writ annexure.”

5. The learned Single Judge was contemplating two options. One was permitting to declare the result with a rider that allotment of seats to the 50 candidates will be subject to the result of the writ petition and the other option was directing the respondents to withhold the results till the next date.

6. It is submitted that all other candidates would be joining the course and only these candidates would be left out.

7. Even after the final orders are passed and the contentions of the first respondent/original writ petitioner are upheld, it may happen that all the admissions may not be cancelled. In that case, these candidates would be at loss to join the course.



W.A.No.2966 of 2023

WEB COPY

8. In the light of the above, it would be appropriate if the further process continues. In view of that, we modify the order to the extent that the first option contemplated by the learned Single Judge be resorted to.

9. In the result, we modify the order of the learned Single Judge as under:

(a) the present appellants and respondents 2 and 3 may declare the results of the stray round with a rider that allotment of seats to 50 candidates in the writ annexure shall be subject to the final decision in W.P.No.30367 of 2023, pending before the learned Single Judge of this Court; and

(b) all the 50 candidates in the writ annexure shall be individually intimated that their admission is subject to the final decision in W.P.No.30367 of 2023 and in case, the order adverse to their interest is passed, they may not be entitled for equity nor any right would accrue to them.



W.A.No.2966 of 2023

WEB COPY

10. With the observation and clarification, the writ appeal is disposed of. There will be no order as to costs. Consequently, C.M.P.Nos.24612 and 24613 of 2023 are closed.

(S.V.G., CJ.)

(D.B.C., J.)

20.10.2023

Index : Yes/No

Neutral Citation : Yes/No

kpl

To

1. The Secretary
National Medical Commission
Pocket 14, Sector 8, Dwarka, Phase-1
New Delhi 110 077, India.
2. Directorate General of Health Services (DGHS)
Medical Counselling Committee
Nirman Bhawan
New Delhi 110 108.



WEB COPY



W.A.No.2966 of 2023

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

(kpl)

W.A.No.2966 of 2023

20.10.2023