



WEB COPY



WA Nos.3064 and 3065 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.11.2023

CORAM

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

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

WA Nos.3064 and 3065 of 2023
and WMP Nos.25382 and 25383 of 2023

1. National Medical Commission,
Through its Chairman, Pocket-14, Sector-8,
Dwarka Phase-I, New Delhi 110 077.

2. Medical Assessment and Ratings Board,
Through its President, Pocket-14,
Sector-8, Dwarka Phase-I,
New Delhi 110 077.

.. Appellants in
both WAs.

-VS-

1. Vels Medical College and Hospital,
Rep. Through its Dean, De.Kumudhalingaraj.

2. Union of India,
Through its Secretary, Ministry of
Health and Family Welfare,
Nirmanbhawan, New Delhi 110 001.

.. Respondents 1 & 2
in both WAs.

3. Medical Counselling Committee (MCC),
Directorate of Health and Family Welfare,
Ministry of Health and Family Welfare,
Government of India, Nirman Bhawan,
New Delhi 110 001.

.. Respondent No.3
in W.A.No.3065/2023



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Prayer: Writ appeals filed under Clause 15 of the Letters Patent against the common order of the learned Single Judge dated 18.10.2023 passed in W.M.P.No.29015 of 2023 in W.P.No.29385 of 2023 and W.M.P.No.28758 of 2023 in W.P.No.29146 of 2023.

For the Appellants : Mr.AR.L.Sundaresan
Additional Solicitor General
for Iyengar Shubharanjani Ananth

For 1st Respondent
in W.A.No.3064 of 2023 : Mr.A.L.Somayaji
Senior Counsel
for Ms.M.Ramya

in W.A.No.3065 of 2023 : Mr.M.Muralikumaran
Senior Counsel
for M/s.Mc Gan Law Firm

For 2nd Respondent
in both WAs. and for
3rd Respondent in
WA.No.3064 of 2023 : Mr.K.Ramanamoorthy
Central Govt. Standing Counsel

* * * * *

JUDGMENT

(Delivered by the Hon'ble Chief Justice)

The matter was mentioned in the morning and was taken up at
1.00 p.m.



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2. We have heard Mr.AR.L.Sundaresan, learned Additional Solicitor General for the appellants, Mr.A.L.Somayaji, learned Senior Advocate for the first respondent in W.A.No.3064 of 2023, Mr.N.Muralikumaran, learned Senior Advocate for the first respondent in W.A.No.3065 of 2023 and Mr.K.Ramanamoorthy, learned Central Government Standing Counsel for the second respondent in both appeals and third respondent in W.A.No.3064 of 2023.

3. Under the interim order dated 18.10.2023, the learned Single Judge has permitted counselling in the colleges of the respondents/original writ petitioners for the remaining 50 seats subject to certain conditions.

4. The appellants have permitted the writ petitioners' institutions intake capacity of 100 students for the academic year 2023-24.

5. If under an interim order the students are admitted and eventually the writ petitions are dismissed, then the career of the students would be at stake. It is submitted that for the last academic year also, the petitioners' institutions were sanctioned intake capacity



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of 100 students only. The writ petitions with regard to admission of 50 students in excess of 100 is pending consideration and the protection has been granted to the admission of 50 students. The learned Single Judge has fixed the next hearing on 30.11.2023. All the parties are represented before the learned Single Judge as submitted by the learned counsel for the respondents. The last date for admission in the stray round is 07.11.2023.

6. Considering the exigency and the peculiar facts and circumstances of the case, it would be appropriate if the writ petitions are decided finally.

7. We may request the learned Single Judge to endeavour to decide the writ petitions finally.

8. The Registry may place the writ petitions before the learned Single Judge on 06.11.2023. We earnestly request the learned Single Judge to consider taking up the writ petitions for hearing and till the petitions are decided, the admission of the 50 students in excess of 100 shall not be made. Of course, the parties would be governed by



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the final orders that would be passed by the learned Single Judge in the writ petitions.

9. In the event the writ petitioners succeed before the last date of stray round, then the allotment of 50 students in excess of 100 may not be denied only on the ground that choice-filling is over.

The Writ Appeals are, accordingly, disposed of. There will be no order as to costs. Consequently, connected miscellaneous petitions are closed.

(S.V.G., CJ.)

(D.B.C., J.)

03.11.2023

Index : Yes/No

Neutral Citation : Yes/No

Note: Registry to place the writ petitions before the learned Single Judge on **06.11.2023.**

sra



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

(sra)

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