



W.P.Nos.9113, 10756 & 9592 of 2018

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.01.2024

CORAM :

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

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.Nos.9113, 10756 & 9592 of 2018

W.P.No.9113 of 2018

Pondicherry Institute of Medical Sciences
Rep. by its Chairman Dr.K.Jacob
Kalapet
Puducherry 605 014.

.. Petitioner

Vs.

1. The Government of India
Rep. by its Under Secretary
Ministry of Health and Family Welfare
Nirman Bawan, New Delhi 110 001.
2. The Medical Council of India
Rep. by its Joint Secretary
Pocket 14, Sector 8
Dwarka, Phase I
New Delhi 11077.
3. The Government of Puducherry
Rep. by the Under Secretary to Government (Health)
Chief Secretariat, Puducherry.



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4. Central Admissions Committee (CENTAC)
Rep. by Chairman/Convenor
Pondicherry Engineering College Campus
Puducherry 605 014.

5. Puducherry Govt. Medical Officers Association
(Reg.No.67/08)
Rep. by the Secretary
No.204, Cuddalore Road, Mudaliarpet
Puducherry 04.

.. Respondents

[R5 impleaded vide order dated
26.04.2018 in WMP No.2318/18]

W.P.No.10756 of 2018

Sri Venkateswara Medical College Hospital
and Research Centre
Rep. by its Chairman
No.13-A, Pondy-Villupuram Main Road
Ariyur, Puducherry 605 102.

.. Petitioner

Vs.

1. The Medical Council of India
Rep. by its Secretary
Pocket 14, Sector 8
Dwarka, Phase I
New Delhi 11077.

2. The Union of India
Rep. by its Secretary
Ministry of Health and Family Welfare
(Dept. of Health – DE Section)
Maulana Azad Road
New Delhi 110 001.



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3. The Government of Puducherry
Rep. by the Chief Secretary
Higher Education District
Office of the Chief Secretariat
Puducherry 605 001.

4. The Convenor
Centralised Admission Committee (CENTAC)
PEC Campus
Pillaichavadi
Puducherry 605 104.

.. Respondents

W.P.No.9592 of 2018

Sri Manakula Vinayagar Medical College
and Hospital
Rep. by its Chairman and Managing Director
M.Dhanasekaran
Kalitheerthalkuppam, Madagadipet
Puducherry 605 107.

.. Petitioner

Vs.

1. The Union of India
Rep. by its Secretary to Government
Ministry of Health and Family Welfare Services
New Delhi 110 011.

2. The Medical Council of India
Through by its Secretary
Pocket 14, Sector 8
Dwarka, Phase I
New Delhi 11077.

[Cause title amended vide order dated
20.04.2018 in WMP No.11511/18]

3. The Chief Secretary



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Government of Puducherry
Chief Secretariat, Pondicherry.

4. The Secretary to Government (Health)
Chief Secretariat (Health)
Government of Puducherry
Puducherry 605 001.
 5. The Under Secretary to Government (Health)
Chief Secretariat (Health)
Government of Puducherry
Puducherry 605 001.
 6. The Director
Directorate of Health and Family Welfare
Services (DHFWS)
Victor Samuvel Street
Puducherry 605 001.
 7. The Convenor
Centralised Admission Committee (CENTAC)
Pondicherry Engineering College Campus
Pillaichavadi
Puducherry 605 014.
 8. Puducherry Govt. Medical Officers Association
Rep. by the Secretary
No.204, Cuddalore Road, Mudaliarpet
Puducherry 04.
- .. Respondents

[R8 impeaded vide order dated
26.04.2018 in WMP No.12319/18]

Prayer: Petition filed under Article 226 of the Constitution of India
seeking



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(i) a writ of Declaration declaring that Regulation 9(7) of the Postgraduate Medical Education Regulations, 2000 as amended by the Postgraduate Medical Education (Amendment) Regulations, 2018 is unconstitutional, null and void;

(ii) a writ of Declaration declaring that Regulation 9(7) of the Postgraduate Medical Education Regulations, 2000 is invalid, arbitrary, ultra vires the powers of the 1st respondent, unconstitutional and violative of Proviso to Art. 15(5) of the Constitution of India; and

(iii) a writ of Declaration to call for the records pertaining impugned Gazette notification of the 1st respondent dated 05.04.2018 vide No.MCI 18(1)/218-Med/100818, declaring Clause 9(7) which reads as “(7) .. *In Non-Governmental medical college/institution, 50% (fifty percent) of the total seats shall be filled by the state government or the authority appointed by them and the remaining 50% (fifty percent) of the seats shall be filled by the concerned medial colleges/ institutions on the basis of the merit list prepared as per the marks obtained in National Eligibility-cum-Entrance Test*” of the Post Graduate Medical Education (Amendment) Regulations, 2018 as null and void as the same is unconstitutional; depriving the fundamental right of the petitioner institution and against the principles laid down by the Constitutional Bench of the Hon'ble Supreme Court in *P A Inamdar* case.

For the Petitioner in

W.P.No.9113/18

: Mr.Abishek Jenasenan



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W.P.No.10756/18 : Mr.T.V.Lakshmanan

W.P.No.9592/18 : Mr.B.Balavijayan

For the Respondents in

W.P.No.9113/18 : Mr.Rajesh Vivekananthan
Dy. Solicitor General for R1

Ms.Shubaranjani Ananth for R2

Mr.V.Vasanth Kumar
Addl. GP (Pondy) for R3 & R4

Mr.VBR Menon for R5

W.P.No.10756/18 : Ms.Shubaranjani Ananth for R1

Mr.Rajesh Vivekananthan
Dy. Solicitor General for R2

Mr.V.Vasanth Kumar
Addl. GP (Pondy) for R3 & R4

W.P.No.9592/18 : Mr.Rajesh Vivekananthan
Dy. Solicitor General for R1

Ms.Shubaranjani Ananth for R2

Mr.V.Vasanth Kumar
Addl. GP (Pondy) for R3 to R7

Mr.VBR Menon for R8

ORDER



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(Made by the Hon'ble Chief Justice)

Learned counsel for the Medical Council of India submits that the new Regulations have been introduced on 29.12.2023 superseding the earlier Regulations.

2. Learned counsel for the petitioners submit that the challenge in the writ petitions now would be rendered infructuous.

3. In view of the above, the writ petitions are disposed of. There shall be no order as to costs. Consequently, W.M.P.Nos.10938, 10939, 11511, 12703 and 12704 of 2018 are closed.

(S.V.G., CJ.)

(D.B.C., J.)

08.01.2024

Index : Yes/No
Neutral Citation : Yes/No

kpl

To

1. The Under Secretary

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Nirman Bawan, New Delhi 110 001.

2. The Joint Secretary
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5. The Chief Secretary
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Chief Secretariat, Pondicherry.
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Puducherry 605 001.
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THE HON'BLE CHIEF JUSTICE
AND
D.BHARATHA CHAKRAVARTHY, J

(kpl)

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