



WEB COPY

W.P.No.3857 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.03.2024

CORAM :

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P.No.3857 of 2024
and
W.M.P.Nos. 4162 & 4163 of 2024

Dr.J.Anand

.. Petitioner

VS

- 1.The Union of India
Rep. By its Secretary,
Ministry of Health and Family Welfare,
New Delhi – 110 011.
- 2.The National Medical Commission,
Rep. By its Secretary,
Pocket – 14, Section 9
Dwaraka Phase – 1,
New Delhi – 100 077.
- 3.The Medical Counselling Committee,
Rep. By its Director General of Health Services,
Nirman Bhawan, New Delhi – 110 018.
- 4.The Dean
Pushpagiri Institute of Medical Science & Research
Centre, Pushpagiri, Medical College Hospital,
Tiruvalla – 689 101,
Kearla State.
- 5.The National Board of Examinations,
Medical Enclave, Ansari Nagar,
Mahatma Gandhi Marg, Ring Road,
New Delhi – 110 029.

*(R5 suo motu impleaded vide order
dated 16.02.2024)*

.. Respondents



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Petition filed under Article 226 of the Constitution of India praying to issue a writ of certiorarified mandamus calling for the records relating to the impugned email communication of 3rd respondent Medical Counselling Committee dated 12.02.2024 quash the same and further direct the 3rd respondent to allot forthwith a seat in M.Ch., (Neuro Surgery) in any other college alternatively for the academic year 2023 – 2024 within a reasonable time as may be stipulated by this Court.

For Petitioner : Ms.H.Mary Sowmi Rexi

For Respondents : Mr.AR.L.Sundaresan
Additional Solicitor General
assisted by
Mr.K.Srinivasamurthy,
Senior Panel Counsel
for R1, R3
Mr.Rakesh Khanna
for Ms.Shubaranjani Ananth
for R2

ORDER

The prayer of the petitioner is for a certiorarified mandamus quashing email dated 12.02.2024 issued by the Medical Counselling Committee / R3. He further seeks a direction to R3 to allot seat in M.Ch (Neuro Surgery) in any other college for academic year 2023 – 2024.

2. R3 has filed a counter, wherein at paragraphs 11 and 12, they state as follows:-

"11. I submit that it was only after the result was declared, the 4th respondent college sent an email on 10th February 2024 at 02:18 PM. It is submitted that once the final result was declared it was not feasible for the answering Respondent to withdraw the same as the reporting had already started and many candidates had



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already reported to the allotted Institutes.

12. I submit that as a remedial measure the Respondent can offer a vacant seat among the choices of the Petitioner in the Special Round at Amala Institute of Medical Sciences in M.Ch (Neuro Surgery) which is lying vacant due to non-reporting of the allotted candidate in the Special Round."

3. The email to the petitioner which is impugned, in fact allots a seat in M.Ch (Neuro Surgery) in Pushpagiri Institute of Medical Science & Research Centre / R4 in the special round of counselling 2023. However, the petitioner claims that upon reporting to R4 college, he was turned away as the college stated that it had surrendered that seat to the authorities.

4. Be that as it may, in light of the acquiescence of R3 to remedy the situation as recorded in paragraphs 11 and 12 extracted above, petitioner's grievances stand duly redressed and there is a direction to R3 to issue an allotment order to the petitioner in an appropriate college, forthwith.

5. This writ petition stands disposed in terms of this order.
No costs. Connected miscellaneous petitions are closed.

07.03.2024

Index:Yes/No
Neutral Citation:Yes
ssm



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DR. ANITA SUMANTH,J.

ssm

To

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