



WEB COPY



W.P.No.4525 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.10.2024

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.4525 of 2018

And

W.M.P.Nos.5569 and 5570 of 2018

Pondicherry Institute of Medical Sciences

Represented by its Chairman

Dr.K.Jacob

Kalapet,

Puducherry – 605 014.

... Petitioner

Vs.

1.The Government of India

Represented by its Secretary

Ministry of Health and Family Welfare

Nirman Bhawan,

New Delhi 110 001.

2.The Medical Council of India

Represented by its Joint Secretary

Pocket -14, Sector – 8,

Dwarka, Phase I,

New Delhi 11077.

3.The Government of Puducherry,

Represented by the Under Secretary to Government (Health),

Chief Secretariat,

Puducherry.

4.Central Admissions Committee (CENTAC)

Represented by Chairman/Convenor,

Pondicherry Engineering College Campus,

Puducherry 605 014.



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5.The Pondicherry University
Represented by its Registrar
R.V.Nagar, Kalapet,
Puducherry – 605 014.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari calling for the records of the second respondent in order dated 21.11.2017 in reference no.MCI-34(MC-UG)/2017-18/155432, the consequential order issued by the third respondent dated 06.12.2017 in ref.no.2592/Health/H5/2017-18/344 and the consequential orders issued by the fifth respondent dated 18.01.2018 in Ref.No.PU/AW-2/1/PIMS/2017-18/362 and dated 29.01.2018 in Ref.No.PU/Aca-7/Recog./PIMS-MBBS/2017-18/184, quash the same.

For Petitioner : Mr.Vijay Narayanan
Senior Counsel
for M/s.A.Jenasenan

For Respondents : Mr.B.Rabu Manohar for R1
Mrs.Shubharanjani Ananth for R2
Mr.Ramasamy Meyyappan for R3 & R4
Government Advocate (P)
Mrs.A.V.Bharathi for R5

ORDER

The petitioner has filed this writ petition seeking issuance of Writ of Certiorari calling for the records of the second respondent in order dated 21.11.2017 in reference no.MCI-34(MC-UG)/2017-18/



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155432, the consequential order issued by the third respondent dated 06.12.2017 in ref.no.2592/Health/H5/2017-18/344 and the consequential orders issued by the fifth respondent dated 18.01.2018 in Ref.No.PU/AW-2/1/PIMS/2017-18/362 and dated 29.01.2018 in Ref.No.PU/Aca-7/Recog./PIMS-MBBS/2017-18/184, quash the same.

2.The learned Senior Counsel appearing for the petitioner submitted that the petitioner has filed this writ petition as against the order directing the petitioner to discharge 26 students admitted in the MBBS Course for the academic year 2017-18 on the ground that admission made by the petitioner is not in terms of MCI guidelines. The learned Senior Counsel further submitted that this Court vide order dated 28.02.2018 granted an order of status quo and further submitted that during the pendency of this writ petition, all the 26 students successfully completed their MBBS Course and further submitted that some of the students are pursuing higher studies and some of the students are working. Since all the students completed their MBBS Course, if they are discharged at a later point of time, the knowledge acquired by them may go waste and will not be of any use for the society.



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3.The learned counsel appearing for the second respondent submitted that the respondents have sent instructions stating that the Commission has decided to exempt the petitioner students from any sort of punishment, however, there shall be an action initiated against the petitioner in accordance with the relevant regulation of NMC and that the Commission has decided to impose regulation as prescribed under Maintenance of Standards of Medical Education Regulations, 2023 (MSMER-2023) at Sub-clause (f) of clause 8 of Chapter III titled 'penalties' whereby the college shall be barred from taking admission against 26 seats for subsequent two years.

4.In response, the learned Senior Counsel appearing for the petitioner submitted that the petitioner is ready to surrender 13 seats each for two subsequent years, from the Management quota to Government quota and hence, instead of barring the petitioner from taking admission, the petitioner may be permitted to surrender 13 seats each for two subsequent years.

5.In reply, the learned counsel appearing for the second respondent submitted that apart from allowing the petitioner to



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surrender 26 seats to Government quota, this Court may impose some punishment of compensation payable to any orphanage.

6.Heard the arguments advanced on either side and perused the materials available on record.

7.The petitioner has filed this writ petition as against the order directing the petitioner to discharge 26 students admitted in the MBBS Course for the academic year 2017-18 on the ground that admission made by the petitioner is not in terms of MCI guidelines. It is equally un-disputed fact that during the pendency of this writ petition, all the 26 students successfully completed their MBBS Course and some of the students are pursuing higher studies and some of the students are working.

8.It is useful to quote the relevant portion of the instruction given by the respondents hereunder:

"2. On receiving the "approval" from NMC members in majority, I am directed to state that the Commission has decided to exempt the petitioner students from any sort of



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punishment however there shall be an action initiated against the Pondicherry Institute of Medical Sciences in accordance with the relevant regulations of NMC.

3. The Commission has decided to impose regulation as prescribed under "Maintenance of Standards of Medical Education Regulations, 2023 (MSMER-2023) at Sub-clause (f) of clause 8 of Chapter III titled 'PENALTIES' whereby the college shall be barred from taking admission against 26 seats for subsequent two years."

9.Perusal of the instructions reveal that NMC has decided to exempt the petitioner's students, however, decided to impose penalty on the petitioner by barring the petitioner from taking admission against 26 seats for subsequent two years. However, the petitioner is ready to surrender 13 seats each for two years [totally 26 seats] for the academic years 2025-26 and 2026-27. Hence, this Court is inclined to issue the following directions:

(i)The second respondent is directed to not to take any action against the petitioner students.

(ii)If the 26 students have not been given Course completion



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certificates, the second respondent is directed to register their Course completion and give Course completion certificates to all the 26 students.

(iii)The petitioner is directed to surrender 13 seats during the academic year 2025-26 and 13 seats during the academic year 2026-27 [totally 26 seats].

(iv)The petitioner is directed to pay a sum of Rs.10,00,000/- (Rupees Ten Lakhs Only) to The Spastics Society of TN (SPASTN), CSIR Road, Taramani, Chennai – 600 113 and a sum of Rs.10,00,000/- (Rupees Ten Lakhs Only) to Mahesh Memorial Trust C/o.Cancer Institute, Adayar, Chennai, within a period of two weeks from the date of receipt of a copy of this order.

10.With the above directions, the writ petition stands disposed of. No costs. Consequently, the connected miscellaneous petitions are closed.

30.10.2024

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Speaking Order/ Non Speaking Order
Index: Yes/ No
Internet: Yes/ No



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Represented by its Secretary
Ministry of Health and Family Welfare
Nirman Bhawan,
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- 2.The Medical Council of India
Represented by its Joint Secretary
Pocket -14, Sector – 8,
Dwarka, Phase I,
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- 3.The Government of Puducherry,
Represented by the Under Secretary to Government (Health),
Chief Secretariat,
Puducherry.
- 4.Central Admissions Committee (CENTAC)
Represented by Chairman/Convenor,
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