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WP No. 4801 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.06.2024

CORAM :

THE HON'BLE MR.R.MAHADEVAN, ACTING CHIEF JUSTICE
and
THE HON'BLE MR. JUSTICE MOHAMMED SHAFFIQ

Writ Petition No. 4801 of 2018
and
WMP No. 5943 of 2018

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V.B.R. Menon
Advocate
Flat No.4B, Brook Dale Apartments
No.12, P.T. Rajan Salai
K.K. Nagar, Chennai - 600 078

.. Petitioner

Versus

- 1.The Secretary to Government of Puducherry
Health and Family Welfare Services Department
Secretariat, Beach Road, White Town,
Puducherry-605 001.
- 2.The Director
Health and Family Welfare Services (DHFWS)
Victor Samuel Street
Puducherry-605 001
- 3.The Convenor
Centralised Admission Committee (CENTAC)
PEC Campus, ECR Road
Pillaichavadi
Puducherry-605 014.
- 4.The President



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Medical Council of India,
Pocket – 14, Sector – 8, Dwarka,
New Delhi-110 077.

5.The Chairman

Pondicherry Institute of Medical Sciences
No.20, Ganapathichettikulam, Kalapet,
Puducherry-605 014.

6.The Chairman

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

7.The Dean

Sri Manakula Vinayagar Medical College & Hospital
Madagadipet, Kalitheerthalkuppam,
Puducherry-605 017.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for a Writ of Mandamus directing the respondents to immediately discharge all the 34 Nos. of students, who have been illegally admitted without Common Counselling to the PG Medical Courses during the Academic year 2017-18 and to admit during the Academic year 2018-19 all the aggrieved Medical Aspirants, who are desirous of joining the respective specialization courses for which they were selected by the third respondent during the Academic year 2017-18 and to further direct the 3 respondent Colleges to pay appropriate monetary compensation to all the 50 Nos. of deprived Medical Aspirants towards the mental agony and loss of one Academic year.

For Petitioner : Mr. V.B.R. Menon
Petitioner-in-Person

<https://www.mhc.tn.gov.in/judis>



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: Mr. Vasanthakumar
Additional Government Pleader (Pondy)
for Respondents 1, 2 and 3

Ms. Shubaranjini Ananth for R4

Mr. A. Jenasenan for R5

Mr.T.V.Lakshmanan for R6

Mr. Bala Vijayan for R7

ORDER

(Order of the Court was made by the Hon'ble Acting Chief Justice)

We have heard Mr. V.B.R. Menon, the petitioner appearing in person; Mr.Vasanthakumar, learned Additional Government Pleader (Puducherry) for respondents 1, 2 and 3; Ms. Shubaranjini Ananth, learned counsel for the fourth respondent; Mr. A. Jenasenan, learned counsel for the fifth respondent; Mr. T.V. Lakshmanan, learned counsel for the sixth respondent and Mr. Bala Vijayan, learned counsel for the seventh respondent.

2. Admittedly, the prayer made in the writ petition has three limbs. As far as the first two limbs of prayer, namely, (i) to discharge all the 35 Nos. of students, who have been illegally admitted without common counselling to the PG Medical Courses during the academic year 2017-18; and (ii) to admit



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during the academic year 2018-19 all the aggrieved medical aspirants who are desirous of joining the respective specialization courses for which they are selected by the third respondent during the academic year 2017-18, are concerned, they do not survive for our consideration, as the same have become infructuous by passage of time. The petitioner has also admitted the said fact.

3. As far as the third limb of the prayer, namely, to direct the 3 respondent colleges to pay compensation to all the 50 Nos. of deprived medical aspirants toward the mental agony and loss of one academic year is concerned, the Petitioner-in-person submitted that he sought for payment of monetary compensation of Rs.15 lakhs to each of 50 medical aspirants who were deprived of an opportunity to pursue the course inspite of their selection by CENTAC, Puducherry. Out of the 50 aspirants, 4 of them have received monetary compensation of Rs.15 lakhs from the 3 respondent colleges on consensual basis on the basis of the judgment passed by this Court in W.A. Nos. 796, 808 and 1130 of 2021. Out of the remaining 46 medical aspirants, 7 of them have approached the Honourable Supreme Court by filing WP (C) No. 679 of 2017 seeking admissions in the year 2017-2018 itself, but could not get the relief due to the delay occurred in disposal of the case. Therefore, the Honourable Supreme Court, vide order dated 24.11.2017 granted them liberty



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to approach this Honourable Court for appropriate relief. Thus, all the remaining 46 candidates are required to be compensated. As far as payment of compensation is concerned, it has been arrived at Rs.1.25 lakhs per month. However, if any of the above 46 students had not lost an academic year due to the illegal denial of his or her selection by CENTAC, Puducherry, he or she may not be entitled to claim the above compensation of Rs.15 lakhs. Therefore, the petitioner-in-person prayed this Court to issue appropriate direction to the second respondent to ascertain as to whether the 46 Nos. of aggrieved medical aspirants had lost an academic year due to denial of their admission by the respondent colleges and to take appropriate steps to ensure payment of Rs.15 lakhs as compensation within a period to be prescribed.

4. On the above submissions of the petitioner, we have heard the learned counsel appearing for the respective respondents.

5. Having regard to the submissions made by the Petitioner-in-Person, we direct the second respondent to consider the said prayer for monetary compensation payable to the 46 students, who have lost their academic year due to denial of their admission by the respondent colleges and to pass appropriate orders on merits and in accordance with law, after



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considering all the materials that have been placed by the petitioner as well as the contesting respondents, as expeditiously as possible, preferably within a period of twelve weeks from the date of receipt of a copy of this order.

6. With the aforesaid observations and directions, the writ petition is disposed of. There shall be no order as to costs. Consequently, W.M.P. No. 5943 of 2018 is closed.

(R.M.D., ACJ.)

(M.S.Q., J.)

04.06.2024

Index : Yes/No
NC : Yes/No

bbr/rsh

To:

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2. The Director,
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MOHAMMED SHAFFIQ,J.

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