



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.01.2024

WEB COPY

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.16568 of 2020

S.Kannan

... Petitioner

Vs.

1.The Director of Medical Education,
Kilpauk,
Chennai – 10.

2.The District Collector,
Salem District,
Salem.

3.The Dean,
Government Mohan Kumaramangalam
Medical College Hospital,
Salem – 1.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the proceedings of the 1st respondent in Ref.No.65489/P and D1/2/2019 dated 24.04.2020 and quash the same as illegal, incompetent and ultravires and consequently direct the respondents to permit the petitioner to run a tea stall/bunk shop at 3rd respondent Hospital by considering the petitioner's representation dated 18.06.2018.



For Petitioner : Mr.R.Jayaprakash
For Respondents : Mr.G.Krishna Raja
Additional Government Pleader

ORDER

The order of rejection, rejecting the application submitted by the writ petitioner for running a new Tea Stall / Canteen.

2. The petitioner submitted an application to run new tea stall / canteen on 19.02.2020.

3. The learned counsel for petitioner would submit that the said application was processed by the 3rd respondent / Dean. Though it was processed positively in favour of the writ petitioner finally the 1st respondent rejected the application. Thus, the petitioner is constrained to move the present writ petition.

4. Mere recommendations of the 3rd respondent to grant permission to run new tea stall in the premises of the Government Mohan Kumaramangalam Medical College and Hospital would not confer any right



on the petitioner that the permission is to be granted. The 3rd respondent has processed the application submitted by the writ petition. Mere processing of the application or forwarding the same to the Directorate would confer no right on the petitioner.

5. The Government has taken a policy decision in G.O.Ms.No.93, Health and Family Welfare Department dated 25.03.2015. As per the Government order, no permission can be granted to run new tea stall / canteen in the Government Hospital premises. Since the Government has regulated the running of canteen, tea stalls in Government Hospitals across the State of Tamil Nadu, mere submission of application cannot be ground to seek permission, nor the High Court can issue a direction granting permission to running a tea stall / canteen in Government Hospitals.

6. All such permissions are to be regulated and to be maintained properly in accordance with the policy in the Government. Since the Director of Medical Education / 1st respondent has rejected the application filed by the petitioner relying on the Government order issued in G.O.Ms.No.93 dated 23.05.2020 and the said Government order remains unchallenged, the petitioner is not entitled for the relief and consequently, this Writ Petition



WEB COPY



W.P.No.16568 of

stands dismissed. No costs.

08.01.2024

Jeni

Index : Yes

Speaking order

Neutral Citation : Yes

To

1.The Director of Medical Education,
Kilpauk,
Chennai – 10.

2.The District Collector,
Salem District,
Salem.

3.The Dean,
Government Mohan Kumaramangalam
Medical College Hospital,
Salem – 1.



WEB COPY



W.P.No.16568 of

S.M.SUBRAMANIAM, J.

Jeni

W.P.No.16568 of 2020

08.01.2024