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W.A.No.645 of 2017 etc., batch

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.07.2024

CORAM

THE HONOURABLE Mr.JUSTICE **S.M.SUBRAMANIAM**

AND

THE HONOURABLE Mr.JUSTICE **C.KUMARAPPAN**

W.A.Nos.645 to 648, 782 to 785, 621 to 624 of 2017

and

CMP.Nos.10826 to 10829, 8686 to 8689, 8913 to 8919 of 2017

WA.No.645 of 2017

1. State of Tamil Nadu,
Represented by Secretary to Government,
Health and Family Welfare Department,
Chennai-600 009.
2. The Secretary,
Selection Committee,
Office of the Directorate of Medical Education,
162, EVR Periyar Salai,
Kilpauk, Chennai-600 010.

... Appellants

Vs.

1. Dr.M.Hemalatha
2. Dr.P.Sakthi Prakash
3. Dr.I.G.Sam Victor
4. Dr.M.Venkatesh
5. Dr.S.Karthika
6. Dr.A.Shanmugasundaram
7. Dr.N.Arulkumar
8. Dr.R.Ranjith



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9. Dr.N.Kavitha
10. Dr.Nadheem Ahamed
11. Dr.A.Balasubramani
12. Dr.V.Mohanraj
13. Dr.R.Suresh Kumar
14. Dr.R.Anbarasu
15. Dr.D.K.Thangadurai
16. Dr.Rajkumar
17. Dr.Arunkumar
18. The Secretary,
Medical Council of India
Pocket-14 Sector-8
Dwaraka, New Delhi.
19. The Dean
PSG Institute of Medical Sciences and Research
Peelamedu, Coimbatore,
Tamil Nadu-641 004.
20. The Dean
SRM Medical College,
Potheri, SRM Nagar,
Kattan Kulathur
Tamil Nadu-603 203.
21. The Dean
Arvind Eye Hospital,
Post Graduate Institute of Ophthalmology,
1, Anna Nagar Main Road,
Kuruvikaran Salai, Sathyamangalam,
Madurai-625 020.
22. The Dean,
Chenna Medical College Hospital
and Research Institute,
Irungalur Village,
Manachanallur Taluk,
Near Toll Booth,
Trichy, Tamil Nadu-621 105.



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23. The Dean,
Chettinad Medical College,
Rajiv Gandhi Salai,
Kelambakkam, Kanchipuram Post,
Tamil Nadu-603 103.
24. The Dean,
Sri Ramachandra Medical University,
No.1, Ramachandra Nagar,
Chennai, Tamil Nadu-600 116.
25. The Dean
Sree Balaji Medical College and Hospital,
7 Clc Works Road, Chrompet,
Chennai, Tamil Nadu-600 044.
26. The Dean,
Dhanalakshmi Srinivasan
Medical College and Hospital
Triuchi-Chennai Highway,
Siruvachur, Perambalur.
27. The Dean
Sri Sathya Sai Medical College
Tiruporur-Guduvancherry Main Road,
Ammapettai, Chengalpet Taluk,
Nellikuppam, Kancheepuram Dt.,
Tamil Nadu-603 108.
28. The Dean,
Sree Mookambika Institute of Medical Sciences,
Padanilam, Kulasekharam,
Kanyakumari-629 161.
29. The Dean,
Joseph Eye Hospital,
Institute of Ophthalmology, Mealapudur,
Tiruchirapalli, Tamil Nadu-620 001.
30. The Dean
Melmaruvathur Adhiparasakthi
Institute of Medical Sciences,
Melmaruvathur, Tamil Nadu-603 319.



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31. The Dean,
Saveetha Medical College,
No.162 Poonamallee High Road,
Velappanchavadi,
Chennai, Tamil Nadu-600 077.
32. The Dean,
Vinayaka Mission's Kirupanada
Variyar Medical College And Hospitals,
Nh-47, Sankari Main Road,
Seeragapadi, Salem
Tamil Nadu-636 308.
33. The Dean
Karpaga Vinayaga Institute of Medical Sciences,
GST Road, Chinna Kolambakkam,
Palayanoor Post Office, Kanchipuram St.,
Madurantagam, Tamil Nadu-603 308.
34. The Dean,
Dr.ALM PG Institution of Basic Medical Sciences,
University of Medras -
Sekkizhar (Taeamani), Campus,
Tharamani Road, Ibms, Tharamani,
Chennai, Tamil Nadu-600 113.
35. The Dean,
Karpagam Medical College Hospital,
Madukkarai Road,
Annai Indira Nagar,
Sundarapuram, Kurichi, Coimbatore,
Tamil Nadu-641 024.
36. The Dean
Regional Centre for Cancer Research and Treatment,
No.1, East Canal Bank Road,
Gandhi Nagar, Adayar,
Chennai-600 020.
37. The Dean,
Christian Medical College,
Ida Scudder Road, Sripuram, Vellore,
Tamil Nadu-632 004.



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38. The Dean
Sankara Nethralaya Medical
Research Foundation,
No.18, College Road,
Nungambakkam,
Chennai, Tamil Nadu-600 006.
39. Union of India
Represented by its Secretary,
Ministry of Health and Family Welfare,
New Delhi.
40. The Tamil Nadu Dr.M.G.R. Medical University,
represented by its Vice-Chancellor
69 Anna Salai,
Little Mount,
Guindy, Chennai.
41. The University Grants Commission (UGC)
represented by its Chairman,
Bahadur Shah Zafar Marg,
New Delhi-110 002.

... Respondents

Prayer: Writ Appeal filed under Clause 15 of Letters Patent praying to set aside the order dated 02.05.2017 made in WP.No.5314 of 2017 in respect of pay of Rs.1.00 crore to the Archaeological Survey of India for utilizing the same for Keezhadi excavation and allow the Writ Appeal.

For Appellants : Mrs.M.Sneha

For Respondents : Mr.R.N.Amarnath for R1 to R17
Mr.G.Arumugam for R40
Mrs.Shubharanjani Ananth for R18
R19 to R39 & R41 - Given up.



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COMMON JUDGMENT

[Judgment of the Court was delivered by **S.M.SUBRAMANIAM, J.**]

The writ appeals on hand have been instituted challenging the common order passed in batch of writ petitions on 02.05.2017. The writ petitions were instituted to appropriate 50% of the seats in the recognised Post Graduate degree, Diploma courses in respect of each speciality from the respondents-Medical Institutions formulating a methodology in the matter of sharing of seats between the Government and non-Government Medical Institutions to make admission on the basis of the merit list prepared by the State. The writ petitions are filed seeking identical or related reliefs and the Writ Court disposed of Writ Petitions by issuing certain directions regarding grant of admission to the Medical courses.

2. Mr.Abishek Jenasenan and the respective learned counsels appearing on behalf of the respondents would submit that the Regulations underwent many changes subsequent to the writ order impugned. The National Medical Commission has issued Regulations of the year 2023, which is prevailing and being adopted by the State and the Medical Institutions. Therefore, the directions issued in the writ order impugned lost



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its relevance on account of formulation of new Regulations by National Medical Commission during the year 2023. Thus, the question of implementation of the writ order impugned would not arise at all.

3. However, the appellant raised a concern that the Writ Court has awarded a cost of Rs.1.00 crore which is to be paid by the State Government to Archaeological survey of India for utilising the same for Keezhadi excavation and further the Medical Council of India is directed to pay Rs.1.00 crore to the Spastics Society of Tamil Nadu. We are of the considered opinion that on account of the new Regulations of the year 2023 issued by National Medical Commission, which is being implemented and prevailing as of now, payment of cost would not arise at all. Accordingly, we are inclined to set aside the cost awarded by the Writ Court in paragraph 95 (8) and (9).

4. Accordingly, all the Writ Appeals are disposed of. No costs.

[S.M.S., J.] [C.K., J.]
03.07.2024

kmi

Index : Yes

Speaking order : Yes

Neutral Citation : Yes/No



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C.KUMARAPPAN, J.

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