



W.P.(MD)Nos.13274, 13275, 15528 and 15529 of 2013

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 08.11.2024

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)Nos.13274, 13275, 15528 and 15529 of 2013

and

M.P.(MD)Nos.1, 1, 1 and 1 of 2013 and
1 and 1 of 2014

W.P.(MD)No.13274 of 2013

Dr.R.Karthik Deivanayagam

... Petitioner

versus

1. Union of India,
Rep. by its Secretary,
Ministry of Health and Family Welfare,
Nirman Bhawan,
C-Wing,
New Delhi – 110 001.
2. Medical Council of India,
Rep. by its Chairman,
Sector 8, Dwarka Phase – 1,
New Delhi,
India.
3. National Board of Examinations,
Rep. by its Authorized Signatory,
Medical Enclave,
Ansari Nagar,
Mahatma Gandhi Marg (Ring Road),
New Delhi – 110 029.



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4. Medical Counselling Committee,
Rep. by Director General of Health Services,
Ministry of Health and Family Welfare,
Nirman Bhawan,
C-Wing,
New Delhi – 110 001.

... Respondents

Writ Petition filed under Article 226 of Constitution of India, seeking for the issuance of Writ of Mandamus, to direct the respondents to provide 30% of percentile marks to the petitioner and reserve 50% of All India Post Graduation Diploma Course Seats as per the Sub Clause IV and VII of Clause 9 of the Post Graduate Medical Education Regulations, 2000 and consequently for a direction, directing the respondents to permit the petitioner to participate in the upcoming 4th round counselling which is tentatively to be held on 08.08.2013 and consequently, to allot the seat as per his mark and position.

For Petitioner	: Mr.S.Rajasekar
For R1	: Mr.S.Jeyasingh Senior Panel Counsel (Govt. of India)
For R2	: M/s.Shubharanjani Ananth Standing Counsel for NMC
For R4	: Mr.G.Rajaraman

W.P.(MD)No.13275 of 2013

Dr.A.Jegan

... Petitioner

versus



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Ansari Nagar,
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New Delhi – 110 029.
4. Medical Counselling Committee,
Rep. by Director General of Health Services,
Ministry of Health and Family Welfare,
Nirman Bhawan,
C-Wing,
New Delhi – 110 001.
5. The Director Medical Education,
Government of Tamilnadu,
Kilpauk,
Chennai – 600 010
Tamilnadu.

(R5 is impleaded vide order dated 04.04.2014
in M.P.(MD)No.5 of 2013)

... Respondents

Writ Petition filed under Article 226 of Constitution of India, seeking
for the issuance of Writ of Mandamus, to direct the respondents to provide



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30% of percentile marks to the petitioner and reserve 50% of All India Post Graduation Diploma Course Seats as per the Sub Clause IV and VII of Clause 9 of the Post Graduate Medical Education Regulations, 2000 and consequently for a direction, directing the respondents to permit the petitioner to participate in the upcoming 4th round counselling which is tentatively to be held on 08.08.2013 and consequently, to allot the seat as per his mark and position.

For Petitioner	: Mr.S.Rajasekar
For R1 and R4	: Mr.G.Rajaraman
For R2	: M/s.Shubharanjani Ananth Standing Counsel for NMC
For R3	: No appearance

W.P.(MD)No.15528 of 2013

Dr.R.Karthik Deivanayagam

... Petitioner

versus

1. xxxxxx

2. xxxxxx

(R1 and R2 are deleted vide
order dated 19.09.2013)

3. National Board of Examinations,
Rep. by its Authorized Signatory,
Medical Enclave,
Ansari Nagar,
Mahatma Gandhi Marg (Ring Road),
New Delhi – 110 029.



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4. Medical Counselling Committee,
Rep. by Director General of Health Services,
Ministry of Health and Family Welfare,
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New Delhi – 110 001.

5. The Director Medical Education,
Government of Tamilnadu,
Kilpauk,
Chennai – 600 010,
Tamil Nadu.

... Respondents

Writ Petition filed under Article 226 of Constitution of India, seeking for the issuance of Writ of Declaration, to declare the results of the admission and the consequential seat allotment of the National Eligibility cum Entrance Test (Post Graduate) 2013 as ultra vires of the Constitution and consequently for a direction, directing the respondents 3 and 4 to revise the rank list/results of the National Eligibility cum Entrance Test (Post Graduate) 2013 by providing 27% reservation to the OBC category candidates and allot the respective seats by conducting counselling afresh within the time stipulated by this Court.

For Petitioner : Mr.S.Rajasekar

For R1 and R2 : Deleted

For R3 to R5 : No appearance

W.P.(MD)No.15529 of 2013

Dr.A.Jegan

... Petitioner

versus



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1. xxxxx

2. xxxxx

(R1 and R2 are deleted vide
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Writ Petition filed under Article 226 of Constitution of India, seeking for the issuance of Writ of Declaration, to declare the results of the admission and the consequential seat allotment of the National Eligibility cum Entrance Test (Post Graduate) 2013 as ultra vires of the Constitution and consequently for a direction, directing the respondents 3 and 4 to revise the rank list/results of the National Eligibility cum Entrance Test (Post Graduate) 2013 by providing 27% reservation to the OBC category



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candidates and allot the respective seats by conducting counselling afresh within the time stipulated by this Court.

For Petitioner : Mr.S.Rajasekar
For R1 and R2 : Deleted
For R3 to R5 : No appearance

COMMON ORDER

When these writ petitions were taken up for hearing on 04.11.2024, a request for an adjournment was made on behalf of the petitioners for appearance of the learned Senior Counsel. Therefore, these writ petitions were directed to be posted finally to 08.11.2024 (today). Even today, a similar request for an adjournment is made on behalf of the petitioners for appearance of the learned Senior Counsel.

2. The learned counsel appearing for the first respondent/Ministry of Health and Family Welfare, is present, however, he is a formal party.

3. The learned counsel appearing for the second respondent/Medical Council of India, also requests for an adjournment stating that she is not having the case papers.



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4. These writ petitions were filed in the year 2013 with regard to the selection list for Post Graduate Medical Courses based on the National Eligibility cum Entrance Test (Post Graduate) for the Academic Year 2013-2014. These writ petitions are pending for the past 10 years. The candidates, who have been selected for the year 2013-2014, might have completed the courses. Therefore, there cannot be any direction in these writ petitions in the year 2024, on the selection list for the Post Graduate Medical Courses for the Academic Year 2013-2014.

5. The first respondent/Ministry of Health and Family Welfare is a formal party. The learned counsel appearing for the Medical Council of India is not ready and claims that they are not having the papers. There is no representation for other respondents and they have not shown any interest by filing any response to these writ petitions. Since these writ petitions are with regard to the selection list for Post Graduate Medical Courses for the Academic Year 2013-2014 and the learned counsels have also not shown any interest, there is no purpose in keeping these writ petitions without any progress.



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6. Therefore, these writ petitions are closed with liberty to the petitioners to workout their remedy if they are eligible for the subsequent process. No costs. Consequently, connected miscellaneous petitions are closed.

08.11.2024

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NCC : Yes / No.

Index : Yes / No.

Internet : Yes / No.

To

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C-Wing, New Delhi – 110 001.

2. The Chairman,
Medical Council of India,
Sector 8, Dwarka Phase – 1,
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3. The Authorized Signatory,
National Board of Examinations,
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B.PUGALENDHI, J.

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4. The Director General of Health Services,
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