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W.P.No.3142 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.02.2025

CORAM:

THE HON'BLE MRS.JUSTICE.N.MALA

W.P.No.3142 of 2025
and WMP.Nos.3464, 3467 and 3470 of 2025

Dhanalakshmi Srinivasan Medical College and Hospital,
Represented by its Authorized Signatory,
NH-45, Trichy – Chennai Highway, Siruvachur,
Perambalur – 621 113. ... Petitioner

Vs.

- 1.Union of India,
Represented by its Secretary,
Ministry of Health and Family Welfare,
Nirman Bhawan,
New Delhi.
- 2.The National Medical Commission,
Represented by its Secretary,
Pocket – 14, Sector – 8,
Dwarka, Phase – I,
New Delhi – 110 077.
- 3.The Medical Assessment and Rating Board (MARB),
Represented by its Member/President,
National Medical Commission,
Pocket – 14, Sector – 8,
Dwarka, Phase – I,
New Delhi – 110 077.



W.P.No.3142 of 2025

WEB COPY

4.State of Tamil Nadu,
Represented by its Secretary,
Health and Family Welfare Department,
Fort St.George,
Chennai – 600 009.

5.The Selection Committee,
Represented by its Secretary,
Directorate of Medical Education and Research,
Kilpauk, Chennai – 600 010. ... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records of the third respondent in order dated 11.09.2024 in Ref.No.23011/171/2024 – Assessment Cell/MARB (8274612), quash the same and consequently direct the third respondent to issue letter of Permission to the petitioner to commence the MD Forensic Medicine course (04 seats) from the academic year 2024-25 and further direct the 4th and 5th respondent to include the name of the petitioner Institution in the state counselling conducted for allotment of students to the PG medical MD/MS courses so as to enable the petitioner to admit students into the MD forensic Medicine (04 seats) course during the academic year 2024-25.

For Petitioner	: Mr.Abishek Jenasenan
For R2 & R3	: M/s.Shubharanjani Ananth
For R4	: Mr.E.Sundaram
	Government Advocate
For R5	: M/s.M.Sneha



W.P.No.3142 of 2025

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ORDER

This Writ Petition is filed to call for the records of the third respondent in order dated 11.09.2024 in Ref.No.23011/171/2024 – Assessment Cell/MARB (8274612), quash the same and consequently direct the third respondent to issue letter of Permission to the petitioner to commence the MD Forensic Medicine course (04 seats) from the academic year 2024-25 and further direct the 4th and 5th respondent to include the name of the petitioner Institution in the state counselling conducted for allotment of students to the PG medical MD/MS courses so as to enable the petitioner to admit students into the MD forensic Medicine (04 seats) course during the academic year 2024-25.

2.By consent of both learned counsels the writ petition is taken up for final disposal.

3.The petitioner submitted an application to the third respondent MARB for issuance of letter of Permission to start the MD Forensic



W.P.No.3142 of 2025

Medicine course with an annual intake of 04 seats from the academic year 2024-25. The third respondent MARB rejected the petitioner's request on the sole ground that essentiality certificate was not available. No other reason was cited for rejecting the petitioner's application. According to the petitioner, the petitioner was fully compliant with all other requirements and minimum standards prescribed by the second respondent and therefore, the petitioner filed the above writ petition for the aforesaid relief.

4. The learned counsel for the petitioner submitted that the only reason cited by the third respondent MARB in the impugned order for rejecting the petitioner's application for starting PG Courses (at various levels) was non-availability of the essentiality certificate. The learned counsel for the petitioner submitted that the Essentiality Certificate was not necessary in view of the National Medical Commission's letter dated 21.11.2024. The learned counsel further submitted that the impugned order deserved to be set aside for total non-application of mind by the third respondent. The learned counsel for the petitioner submitted that the third respondent in the impugned order presumed that the application of the petitioner was for increase in intake in MD Forensic Medical Course for the academic year



W.P.No.3142 of 2025

2024-2025, whereas the application in fact was submitted for starting the course. The learned counsel therefore submitted that the impugned order deserved to be set aside for total non-application of mind as to the basic facts of the petitioner's application.

5.I heard both counsels and perused the materials on record.

6.The National Medical Commission's letter dated 21.11.2024, particularly clause (ii) is relevant for the present purpose. The same reads as follows:

“ii.Based on above, the National Medical Commission decided to keep in abeyance the requirement of the Essentiality Certificate for starting of new Medical PG courses for the Academic Year 2024-2025, subject to the availability of clinical material & faculties as per regulations & norms of NMC.”

7.When the National Medical Commission, decided to keep in abeyance the requirement of the essentiality certificate the third respondent



W.P.No.3142 of 2025

cannot insist for the same. Further, it is clear from the impugned order that the third respondent has mechanically passed the order without applying his mind to the purpose for which the application was made. The permission of the third respondent was sought for starting the MD Forensic Medicine (04) seats for the academic year 2024-2025, but the third respondent proceeded as if the permission was sought for increase in intake. I am therefore of the view that the impugned order cannot be sustained. Hence, the same is set aside and the matter is remitted to the third respondent for fresh consideration. The third respondent shall consider the petitioner's application afresh on merits and in accordance with law and in the light of the National Medical Commission's letter dated 21.11.2024, as expeditiously as possible, in any event, not beyond the period of four weeks.

8. Accordingly, this Writ Petition stands disposed of. However, there shall be no order as to costs. Consequently, the connected Miscellaneous Petitions are closed.

12.02.2025

NOTE: ISSUE ORDER COPY ON 12.02.2025.



W.P.No.3142 of 2025

Index : Yes / No

Internet : Yes / No

Speaking order/Non-speaking order

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To

- 1.Union of India,
Represented by its Secretary,
Ministry of Health and Family Welfare,
Nirman Bhawan,
New Delhi.
- 2.The National Medical Commission,
Represented by its Secretary,
Pocket – 14, Sector – 8,
Dwarka, Phase – I,
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- 3.The Medical Assessment and Rating Board (MARB),
Represented by its Member/President,
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W.P.No.3142 of 2025

Directorate of Medical Education and Research,
Kilpauk, Chennai – 600 010.

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N.MALA, J.
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W.P.No.3142 of 2025



WEB COPY



W.P.No.3142 of 2025

12.02.2025