



W.P.Nos.3924 & 3927 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.02.2025

CORAM

THE HONOURABLE MRS.JUSTICE N.MALA

W.P.Nos.3924 & 3927 of 2025

and

W.M.P.Nos.4345, 4350, 4355 & 4357 of 2025

Dr.S.Abirami

...Petitioner in W.P.No.3924 of 2025

Dr.S.Sashmita

...Petitioner in W.P.No.3927 of 2025

Vs.

- 1.The State of Tamil Nadu,
Represented by its Principal Secretary,
Health and Family Department,
Secretariat,
Chennai- 600 009.
- 2.Directorate of Medical Education,
Represented by the Deputy Director,
of Medical Education,
Kilpauk, Chennai- 600 010
- 3.The Dean,
Madras Medical College,
Rajiv Gandhi Government General Hospital,
Chennai-600 003.



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4. The Registrar,
The Tamil Nadu Dr. M.G.R. Medical University,
69, Anna Salai, Guindy, Chennai- 600 032
5. The Controller of Examination,
The Tamil Nadu Dr. M.G.R. Medical University,
69, Anna Salai, Guindy, Chennai-600 032.
6. The Vice Chancellor,
The Tamil Nadu Dr. M.G.R. Medical University,
69, Anna Salai, Guindy, Chennai- 600 032
7. The Dean,
All India Institute of Medical Sciences,
Ansari Nagar, New Delhi 11 0029
8. Assistant Controller of Examination,
Examination Section,
All India Institute of Medical College,
Ansari Nagar, New Delhi 110 029
9. The Registrar,
All India Institute of Medical College,
Ansari Nagar, New Delhi 110 029

... Respondents in both W.Ps

Common Prayer: Writ Petitions are filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the INI-SS Prospectus of the 8th respondent, uploaded in the website www.aiimsexams.ac.in dated 28.09.2024, under proceeding No. Nil, for the course namely D.M., and to quash the clause 4.3.2 fixing the date of



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completion of the requisite qualification as 31.01.2025 is concerned as far as the petitioner is concerned and to direct the respondents 1 to 6 to issue Confidential Provisional Pass Certificate to the 7th respondent, for her graduation in M.D., -(Paediatrics) and M.D., (Anaesthesiology) underwent in college of the 3rd respondent, coming under the ambit of the 4th and 5th respondent and further direct the 7th respondent to admit the petitioner in D.M., - (Clinical Haematology) on receipt of the said provisional pass Certificate received from the respondents 3 to 6 and pass further orders.

For Petitioner in both W.Ps : Mr.A.Arumugam
for Mr.S.Saravanan

For Respondents in both W.Ps : Mrs.M.Sneha,
Standing Counsel for R1 to R3
Mr.G.Arumugam,
Standing Counsel for R4
Mr.K.M.Ramesh,
Senior Counsel
for Mr.J.Selvaraju for R5 & R6
Mr.A.R.L.Sundaresan,(ASGI)
for Mr.K.Srinivasamurthy
Senior panel Counsel Central
Government for R7 to R9



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ORDER

These writ petitions have been filed to call for the INI-SS Prospectus of the 8th respondent, uploaded in the website www.aiimsexams.ac.in dated 28.09.2024, under proceeding No. Nil, for the course namely D.M., and to quash the clause 4.3.2 fixing the date of completion of the requisite qualification as 31.01.2025 is concerned as far as the petitioner is concerned and to direct the respondents 1 to 6 to issue Confidential Provisional Pass Certificate to the 7th respondent, for her graduation in M.D., -(Paediatrics) and M.D., (Anaesthesiology) underwent in college of the 3rd respondent, coming under the ambit of the 4th and 5th respondent and further direct the 7th respondent to admit the petitioner in D.M., - (Clinical Haematology) on receipt of the said provisional pass Certificate received from the respondents 3 to 6.

2.The petitioners were qualified upto the Post-Graduation Degree in the College of the 3rd respondent during the Academic Year



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2021-2022 to 2024-2025 Batch. While so, the petitioners secured All India Rank 2 in the entrance examination conducted by the 7th respondent. The petitioners were given provisional admission to D.M., - (Clinical Haematology Course) and D.M. (Paediatric Anaesthesiology). and the petitioners also paid a sum of Rs.3,00,000/- each through Demand Draft which were accepted by the 7th respondent. Because of the delay in declaring the results of the M.D., - (Paediatrics) and M.D., (Anaesthesiology) courses undertaken by the petitioners, the petitioners were not able to submit the requisite certificate including the P.G. Certificates, within the time stipulated in the prospectus i.e., 31.01.2025. Under these circumstances, the petitioners filed the above writ petitions for the aforesaid reliefs.

3.The 7th respondent is one of the leading and prestigious Medical Institutions in India. The labour and effort that has to be invested in securing a seat in Super Speciality Courses and that to in premier Institution like the 7th respondent is enormous. The petitioners



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by the stint of their hard work, efforts and dedication secured All India Rank 2 in the entrance examination conducted by the 7th respondent. The petitioners were selected D.M., - (Clinical Haematology Course) and D.M. (Paediatric Anaesthesiology) courses. The petitioners also paid a sum of Rs.3,00,000/- each through Demand Draft in confirmation of their selection which was accepted by the 2nd respondent. The petitioners appeared for the Post Graduate Degree in the month of December, 2024 and were under the fond hope that the results would be declared on or before 31.01.2025, enabling the petitioners to get admission in the 7th respondent College. Unfortunately, the petitioners examination originally scheduled on 09.12.2024, was postponed to 23.12.2024, in pursuance of the orders passed by this Court. The petitioners appeared in the examination in the month of December 2024 and awaited results. In the meanwhile, 7th and 8th respondents declared results and also issued allotment letters on 31.12.2024 itself. The petitioners therefore, from January 2025 onwards repeatedly sent representations to the respondents 2 to 6 for releasing the provisional results, so as to enable the petitioners



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to join the 7th respondent College. Under these circumstances, the petitioners left with no other remedy filed the above writ petitions for the aforesaid relief.

4.Though the petitioners have filed the writ petitions challenging the clause 4.3.2 of the INI-SS Prospectus, fixing the date of completion of the requisite qualification as 31.01.2025, in so as far as the petitioners are concerned, considering the peculiar facts of the case and the Academic credentials of the petitioners and without going into merits of the case, I am of the view that it would be appropriate to dispose of the writ petitions with the under mentioned directions, in the interest of justice and without prejudice to any of the parties interests.

5.It is relevant to note here that during the pendency of the writ petitions, this Court vide order dated 04.02.2025, directed the 7th respondent to reserve one seat in D.M.- (Clinical Haematology) and one seat in D.M.(Anaesthesiology) (Paediatric), for a period of ten days and



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the said order was subsequently modified, vide order dated 07.02.2025, in and by which para Nos.5, 6 & 7 of the order dated 04.02.2025 were deleted. In pursuance of the interim order passed by this Court, the petitioners selection was not interfered with and the two seats of the petitioners are kept vacant.

6.The learned counsel for the 5th respondent on instructions submitted that the results were declared yesterday i.e., on (24.02.2025) and that both the petitioners passed in the said examination.

7.It is submitted by the learned counsel for the petitioners that in order to get admission in the 7th respondent College, the petitioners require the provisional Certificate along with mark sheets the original documents, and certificates from the respondents 4, 5 and 6. The learned counsel for the petitioners submitted that the petitioners have executed bonds in favour of the Madras Medical College for pursuing the P.G. Degree.The learned counsel for the petitioner further submitted that the 2nd and 3rd respondents have to release the original certificates viz.,



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10th, 12th, Under Graduate Certificate (M.B.B.S) (4 years Mark sheets),
CRRI Completion Certificate & TNMC Registration Certificate
(M.B.B.S) of the petitioners, unless the certificates are issued, the
petitioners would not be able to join the Courses.

8.The learned counsel for the 3rd respondent submitted that
the Certificates could be released only, if an undertaking affidavit is
submitted by the petitioners stating that they would serve the bond period
on completion of the Super Speciality Courses and also execute a Bank
guarantee for Rs.40,00,000/-. The learned counsel for the petitioners on
the other hand submitted that the condition as to execution of the Bank
guarantee is onerous and therefore, suitable directions may be issued to
secure compliance of the bond service.

9.Heard, all learned counsels and perused the materials
available on record.



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10.Considering the interest of the petitioners career and future, I am inclined to issue the following directions.

(i) In view of the declaration of the result by the 5th respondent yesterday (24.02.2025) and in view of the fact that, the petitioners have cleared the examination, a direction is issued to the respondents 4, 5 and 6 to handover the provisional P.G. Degree Certificate along with mark sheets forthwith, in any event not later than 26.02.2025 to the petitioners. Needless to state that the respondents 4, 5 & 6 shall hand over the original P.G. Degree and mark sheets to the petitioners later.

(ii)The petitioners shall submit an undertaking affidavit to the 2nd and 3rd respondents for releasing of the original certificates viz., 10th, 12th, Under Graduate Certificate (M.B.B.S) (4 years Mark sheets), CRRI Completion Certificate & TNMC



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Registration Certificate (M.B.B.S) stating that they would serve the bond period on completion of the Super Speciality Course and also that on completion of Super Speciality Course they would not take back the certificates, but would ensure that the original certificates are directly returned to the 3rd respondent. On submission of the affidavit of undertaking, the respondents 2 & 3 shall release the original certificates viz., 10th, 12th , Under Graduate Certificate (M.B.B.S) (4 years Mark sheets), CRR I Completion Certificate & TNMC Registration Certificate (M.B.B.S) immediately.

(iii) The 9th respondent is directed to admit the petitioners to the respective Courses i.e. D.M., - (Clinical Haematology Course) and D.M. (Paediatric Anaesthesiology), on production of the aforesaid requisite certificates and the petitioners



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are directed to join and report to the allotted Colleges on or before 27.02.2025.

(iv) It is made clear that clause 4.3.2 of the INI-SS prospectus is not quashed in view of the aforesaid directions. It is also made explicit that this order shall not be taken as a precedent in future.

11.Registry is directed to list the case under the caption “for reporting compliance of the respondents 2 to 6” on 26.02.2025 at 4. p.m.

12.Accordingly, these writ petitions stand disposed of with the above directions. No costs. Consequently, connected miscellaneous petitions are closed.

25.02.2025

vsn

Index : Yes / No

Speaking order / Non-speaking order

Neutral Citation : Yes / No

Note:Issue order copy on 25.02.2025

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To

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