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W.P. No.6129 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.02.2025

CORAM:

THE HON'BLE MRS. JUSTICE N. MALA

W.P.No.6129 of 2025 and W.M.P.No.6736 of 2025

St. Peter's Medical College Hospital & Research Institute
represented by its Administrative Officer

L. Hari Krishnan

S/o Lakshmanan

having office at Dr. M.G.R. Nagar

Near AERI Campus

Opp. SIPCOT – II

Hosur 635 130, Krishnagiri District

Petitioner

vs.

1. The Principal Secretary to Government
Health & Family Welfare Department
Secretariat
Fort St. George
Chennai 600 009
2. The Director of Medical Education
162 Periyar E.V.R. High Road
Kilpauk
Chennai 600 010
3. The Additional Director of Medical Education
Secretary, Selection Committee
162 Periyar E.V.R. High Road
Kilpauk
Chennai 600 010
4. The Secretary
National Medical Commission
Pocket 14, Sector 8
Dwarka
New Delhi 110 077
5. The Registrar (FAC)
The Tamil Nadu Dr. MGR Medical University
No.69 Anna Salai
Guindy
Chennai 600 032

Respondents



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Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondents to include the petitioner institution for MD-Dermatology, Venerology and Leprosy PG course (2 seats) in the seat matrix for the forthcoming round of PG counselling (Stray Vacancy) by considering the petitioner's representation dated 17.02.2025.

For petitioner	Mr. R. Singgaravelan Senior Counsel for Mr. R. Jayaprakash
For RR 1 & 2	Mr. E. Sundaram Government Advocate
For R3	Mrs. M. Sneha Standing Counsel
For R4	Mrs. Shubharanjani Ananth Standing Counsel
For R5	Mr. G. Arumugam Standing Counsel

ORDER

This writ petition has been filed seeking a writ of mandamus directing the respondents to include the name of the petitioner institution for MD-Dermatology, Venerology and Leprosy PG course (2 seats) in the seat matrix for the forthcoming round of PG counselling (Stray Vacancy) by considering the petitioner's representation dated 17.02.2025.

2. With the consent of the learned counsel for the parties, this

writ petition was taken up for final disposal at the admission stage



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itself.

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3. The facts in brief, as projected by the petitioner, are as under:

The petitioner college was started in the year 2021 with all the required approvals and affiliations. The petitioner college applied for starting PG course in MD-Dermatology, Venerology and Leprosy with two seats for the academic year 2024-2025. In pursuance thereof, the National Medical Commission (fourth respondent herein), on 27.01.2025, issued a Letter of Permission for starting the said course. However, in the said Letter of Permission, inadvertently, the name of course was stated as 'DM' instead of 'MD'. Later on, realising this, the fourth respondent issued a corrigendum dated 10.02.2025, conveying the rectification of permission for 'MD' instead of 'DM'. The said corrigendum was also communicated to the fifth respondent for further action, who, in turn, granted provisional affiliation to the petitioner college *vide* proceedings dated 13.02.2025. Though the said provisional affiliation order was signed by the fifth respondent on 14.02.2025, for the reasons best known to the fifth respondent, it was communicated to the petitioner college only on 17.02.2025. It is to be pointed out that, ironically, provisional affiliation orders were duly sent to similarly placed colleges pan State before 16.02.2025, thanks to which, they were



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allowed to share seats in the counselling conducted on 16.02.2025. Owing to the delay on the part of the fifth respondent in communicating the provisional affiliation order to the petitioner college, the petitioner college was deprived of the chance of participating in the first three rounds of counselling. Thus, the only vacancy that is left over for the petitioner college is stray vacancy. Faced with such a situation, the petitioner college addressed a representation dated 17.02.2025 to the respondents *via* email requesting them to include the petitioner college for MD – Dermatology, Venerology and Leprosy PG course (2 seats) in the seat matrix for the forthcoming round of PG counselling under stray vacancy. As no positive response was forthcoming from the respondents, the petitioner has filed the instant writ petition seeking the aforesaid relief.

4. The facts set out above are not in dispute. If the fifth respondent had communicated the order dated 13.02.2025 granting provisional affiliation to the petitioner college in time, like other similarly placed colleges, the petitioner college too, would have been in a position to participate in the first three rounds of counselling. However, owing to the fault on the part of the fifth respondent in communicating the order of provisional affiliation in time to the petitioner college, the petitioner college could not participate in the first three rounds of counselling. Thus, now, the petitioner college is left with only one option, *viz.*, stray



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allowed in the seat matrix for the forthcoming round of PG counselling in stray vacancy, then, the consequence will be that two precious PG seats would only go waste, thereby, not being beneficial to anyone. It is also not the case of the respondents either that the petitioner college does not possess the required permission or affiliation.

5. In view of the above discussion, this Court is of the considered view that a positive direction has to be issued to respondents 2,3 and 5 to include the name of the petitioner college for MD Dermatology, Venerology and Leprosy PG course (two seats) in the seat matrix for the forthcoming round of PG counselling in stray vacancy and it is ordered accordingly.

In fine, this writ petition stands allowed, however, sans costs. Connected W.M.P. stands closed.

20.02.2025

cad

Note to Office: Upload order copy forthwith



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N. MALA, J.

cad

To

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