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L.P.A.No.13 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.09.2025

C O R A M

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

AND

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

L.P.A.No.13 of 2024 and

C.M.P.No.24080 of 2024

Dr.P.M.Sukala

... Appellant/Petitioner/Petitioner

-VS-

Dr.M.B.Aswath Narayanan, B.Sc., M.D.S.,
The Registrar,
The Tamil Nadu Dr.M.G.R.Medical University,
69, Anna Salai Road, Guindy,
Chennai-600 032.

... Respondent/Respondent/4th Respondent

Prayer: Appeal filed under Clause 15 of Letters Patent to set aside the order dated 14.06.2024 in Contempt Petition No.308 of 2024.

For Appellant : Mr.S.Natarajan
For Respondent : Mr.A.Mohamed Gouse

ORDER

(By J.Nisha Banu,J.)

This Appeal has been filed, challenging the order dated 14.06.2024 passed in Contempt Petition No.308 of 2024, by which, the Contempt Petition was closed, by recording the stand taken by the respondent. Aggrieved by the same, the present appeal has been filed, seeking to set aside the said order.



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2. According to the appellant, on account of the inaction on the part of the respondent in considering the representation of the Writ Petitioner in a time bound manner, as ordered by this Court, the appellant had filed Cont.P.No.308 of 2024 for wilful disobedience of the order of this Court. The Contempt Petition was closed by this Court by inadvertently taking into consideration the Regulation on Graduate Medical Education (Amendment), 2019, instead of MCI Regulation 1997 and 2012, which is ex-facie not sustainable. The appellant points out that though she was eligible to be appointed for the Examinership in the speciality of Anatomy, she was not considered for such appointment on account of consideration of her name under Regulation on Graduate Medical Education (Amendment), 2019.

3. Per contra, learned counsel for the respondent contended that the appellant has filed yet another Writ Petition in W.P.No.27298 of 2025 for a direction to appoint her as an Examiner in the MBBS examination which is to be held in the year 2025 and further periods as per the MCI Regulations of 1997 and 2012 Regulations. By way of filing this Letters Patent Appeal, she has been attempting to canvass the pending Writ Petition, which cannot be permitted.



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Moreover, in the order passed in the Writ Petition dated 01.02.2023, it had been clearly indicated in Paragraph No.6 that the exercise will be done in line with the 2019 Regulations and if at all, the appellant herein felt aggrieved, she must have filed Writ Appeal against the said order.

4. A careful scrutiny of the order passed in the Writ Petition coupled with the order passed in the Contempt Petition unravels that the Contempt Petition was rightly closed based on the stand taken by the respondent that non appointment of the appellant herein was only on the basis of the Regulation on Graduate Medical Education (Amendment), 2019, which provision exclusively deals with the appointment of Non-Medical Faculty, like that of the appellant. It was further specified that such appointment would be considered only in the event of non availability of medical teachers. Since the stand of the respondent was in consonance with the order passed in the Writ Petition, learned Single Judge chose to close the Contempt Petition. Moreover, the appellant herein has also filed another Writ Petition in W.P.No.27298 of 2025 with the same prayer that was canvassed in this appeal and therefore, setting aside the order passed in the contempt petition at this stage will have a serious repercussion on the pending writ petition.



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5. In view of the above, we find force in the argument advanced by the learned counsel for the respondent and we are not inclined to entertain the present appeal. Accordingly, the Letters Patent Appeal is dismissed as not maintainable. No costs. Consequently, connected Miscellaneous Petition is closed.

(J.N.B.J.,) (S.S.J.,)

17.09.2025

Index: Yes/No

Internet: Yes/No

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To:

Dr.M.B.As swath Narayanan, B.Sc., M.D.S.,
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