



W.P.(MD)No.5607 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.5607 of 2025

and

W.M.P.(MD)No.4107 of 2025

The Director,
Sree Mookambika Institute of Medical Sciences,
Velayudhan Pillai Memorial Hospital Complex,
Kulasekharam - 629 161,
Kanyakumari District.

... Petitioner

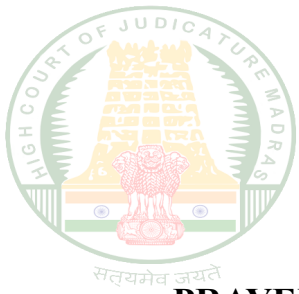
-VS-

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

2.The Director of Medical Education,
Directorate of Medical Education,
162, Poonamalle High Road, Kilpauk,
Chennai - 600 010.

3.Tamil Nadu Dr.M.G.R. Medical University,
P.B.No.1200, No.69, Anna Salai,
Guindy, Chennai - 600 032,
Represented by its Registrar.

... Respondents



W.P.(MD)No.5607 of 2025

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 and 2 herein to provide forthwith atleast 15 Cadavers every year to the petitioner Institution for teaching purpose by considering the petitioner's representation to the respondents dated 09.11.2024.

For Petitioner : Mr.K.Ragatheesh Kumar
for M/s.Isaac Chambers

For R1 and R2 : Mr.V.Om Prakash
Government Advocate

ORDER

This Writ Petition has been filed seeking a direction to the respondents 1 and 2 herein to provide forthwith atleast 15 Cadavers every year to the petitioner Institution for teaching purpose by considering the petitioner's representation to the respondents dated 09.11.2024.

2. By consent, this Writ Petition is disposed of, at the admission stage itself.

3. Since no adverse orders are going to be passed against the third respondent, notice to the third respondent is hereby dispensed with.



W.P.(MD)No.5607 of 2025

WEB COPY

4. The petitioner submits that the petitioner's college was established in the academic year 2006-2007 with an annual intake of 100 seats for the MBBS course with the permission of the first respondent, approval from the Medical Council of India and affiliation from the third respondent, Tamil Nadu Dr.M.G.R. Medical University. As per the notification dated 16.08.2023 issued by the National Medical Commission, one cadaver must be provided for every 10 students for teaching purposes. Now, the annual intake capacity for the MBBS course at the petitioner's college has been increased to 150 students from the academic year 2023-2024, as approved by the National Medical Commission on 18.05.2023 and by the affiliation of the third respondent University on 03.08.2023. In the light of the same, the petitioner submitted representations to the second respondent on 25.08.2023 as well as to the first respondent on 09.11.2024, requesting at least 15 cadavers in accordance with the norms of the National Medical Commission. Since no action has been taken on these representations, the petitioner has approached this Court by way of filing the present writ petition.

5. Heard the learned counsel appearing for the parties.

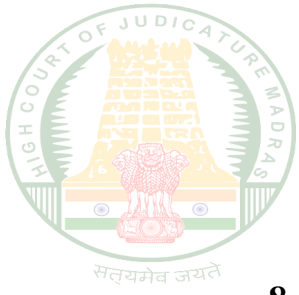


W.P.(MD)No.5607 of 2025

WEB COPY

6. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon him to consider the same on its own merits and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely. As such, non-consideration of the representation by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking its extraordinary powers under Article 226 of the Constitution of the India and direct them to consider the same within a stipulated time.

7. In the light of the above observations, there shall be a direction to the first respondent herein to consider the petitioner's representation dated 09.11.2024, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner, within a period of two months from the date of receipt of a copy of this order. It is also made clear that this Court has not expressed any of its views with regard to the merits of the matter and that it is open to the first respondent to consider the same on its own merits.



W.P.(MD)No.5607 of 2025

WEB COPY

8. With the above directions, the Writ Petition stands disposed of. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

NCC : Yes / No
Index : Yes / No
smn2

03.03.2025

To:-

- 1.The Secretary,
State of Tamil Nadu,
Department of Health and Family Welfare,
Fort St. George,
Chennai - 600 009.
- 2.The Director of Medical Education,
Directorate of Medical Education,
162, Poonamalle High Road, Kilpauk,
Chennai - 600 010.
- 3.The Registrar,
Tamil Nadu Dr.M.G.R. Medical University,
P.B.No.1200, No.69, Anna Salai,
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W.P.(MD)No.5607 of 2025

VIVEK KUMAR SINGH, J.

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W.P.(MD)No.5607 of 2025

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