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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.12.2025

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.16507 of 2025

and

W.M.P(MD)Nos.12548 & 12550 of 2025

Immanuel Arasar International Institute of
Science and Technology Educational and Charitable Trust,
Represented by Managing Trustee,
SG Hospital Campus Old Theatre Junction,
Marthandam – 629 165,
District.

Pammam,
Kanyakumari

...Petitioner

Vs

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

2. The Commissioner of Indian Medicine and Homeopathy,
Department of Indian Medicine and Homeopathy,
Arumbakkam, Chennai – 600 106.

3. The Secretary,
Selection Committee,
Directorate of Indian Medicine and Homeopathy,
Arumbakkam, Chennai – 600 106.

4. The TN Dr.M.G.R.Medical University,
Represented by its Registrar,
No.69/40, Anna Salai,
Guindy, Chennai – 600 032.

...Respondents



PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned proceedings issued by the 4th respondent Registrar, Tamil Nadu Dr.MGR Medical University in Ex.IV(3)/12927/2024 dated 13.05.2025 quash the same and further direct the 4th respondent University herein to register forthwith the admission of 39 students (Name List Annexed) in BNYS course under Lapsed Seat category in the petitioner's college for the academic sessions 2024-2030 so as to allow them to pursue the course.

For Petitioner : M/s.R.Harihara Selvan
M/s.Isaac Chambers

For Respondents : Mr.P.T.Thiraviam
Government Advocate
for R1 and R2
Mr.A.S.Vaigunth
for R4

* * * * *

ORDER

The present writ petition has been filed by an Educational Institution running Naturopathy and Yoga Medical College seeking to quash the order passed by the fourth respondent herein on 13.05.2025 and for a mandamus to direct the University to register the admission of 39 students in BNYS course under lapsed seat category in the petitioner's College for the academic year 2024-2030.



2. The petitioner's college was granted affiliation by the fourth respondent University on 29.07.2024 for admitting 100 students under BNYS degree course. As per the regulations of the fourth respondent University, out of 100 students, 65 students would be allotted under the Government quota and 35 would be allotted under management quota. However, all the 100 students would get the allotment order only from the selection committee.

3. In the academic year 2024-2025, out of 65 students under the Government quota, the selection committee has sponsored only 32 candidates. Out of management quota of 35 candidates, 34 of them got admitted in the college by getting allotment orders from the selection committee. Out of the total 65 students, 5 of them have left the college. Therefore, the total strength of the college was remaining at 61. No other candidate was sponsored by the selection committee for admission to the college. Therefore, there was lapse of 39 seats. The Management had proceeded to admit 39 students.

4. Under the impugned order, the fourth respondent University has directed the college management to discharge all the 39 students solely on the ground that they have been admitted without any allotment order of the competent authority concerned. This order is put to challenge in the present writ petition.



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5. According to the learned counsel appearing for the writ petitioner, there is no allegation that any one of the candidates who received allotment orders from the selection committee were not admitted. In such an event, no meritorious candidates got affected. In case, if 39 seats were permitted to get lapsed, there will be huge financial loss to the management. Only taking into consideration of these facts, the 39 students got admitted by the management without allotment order from the selection committee. He further submits that by way of impugned order of this Court in W.M.P(MD)No.23881 of 2025, students have been permitted to appear for the first semester BNYS examination that were conducted in October 2025.

6. He also relied upon a decision of the Division Bench of this Court in W.A(MD)No.708 of 2025 dated 29.08.2025 and judgment of the learned single judge of this Court reported in **2022 (4) CTC 167** in support of his contention.

7. Per contra, the learned counsel for the standing counsel for the fourth respondent herein submits that the college was permitted to admit only 65 students in the Government quota and 32 students in the management quota. However, the college has proceeded to admit around 39 students without any



allotment order from the competent authority concerned. In such circumstances, the impugned order passed by the University may be sustained.

8. I have carefully considered the submissions made on either side and perused the materials available on record.

9. The Hon'ble Supreme Court in a judgment reported in ***Index Medical College, Hospital and Research Centre V. State of Madhya Pradesh and others, 2021 SCC Online 318***. Paragraph No.26 is extracted is held as follows:-

“The right to admit students, which is a part of the Management's right to occupation under Article 19(1)(g) of the Constitution of India stands defeated by Rule 12(8)(a) as it prevents them from filling up all the seats in Medical courses. Upgradation and selection of subject of study is pertinent only to Postgraduate Medical course. In so far as undergraduate Medical course is concerned, the upgradation is restricted only to a better College. Not filling up all the Medical seats is not a solution to the problem. Moreover, seats being kept vacant results in huge financial loss to the Management of the Educational Institutions apart from being a National waste of resources. Interest of the general public is not subserved by seats being kept vacant. On the other hand, seats in Recognised Medical Colleges not being filled up is detrimental to Public interest. We are constrained to observe that the policy of not permitting the Managements from filling up all the seats does not have any nexus with the object sought to be achieved by Rule 12(8)(a). The classification of seats remaining vacant due to non-joining may be based on intelligible differentia but it does not have any rational connection with the object sought to be achieved by Rule



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12(8)(a). Applying the test of proportionality, we are of the opinion that the restriction imposed by the Rule is unreasonable. Ergo, Rule 12(8)(a) is violative of Articles 14 & 19(1)(g) of the Constitution."

10. Relying upon the judgment of the Hon'ble Supreme Court, the Division Bench of this Court in a judgment in W.A.(MD)No.708 of 2025 dated 29.08.2025 has proceeded to approve the admission of the candidates who were admitted without allotment orders from the selection committee on the ground that the lapsed seat would cause huge financial loss to the management especially when no meritorious candidates were affected.

11. In view of the above judgment of the Hon'ble Supreme Court and the Division Bench of this Court, this Court is of the considered opinion that when the selection committee has not forwarded or sponsored any candidates to fill up the entire seats falling under the management quota as well as the Government quota, the lapsed seats have been filled up by the management. In such circumstances, no prejudice would be caused to any of the meritorious candidates. On the other hand, if the 39 students are discharged from the course that would cause serious prejudice not only to the student concerned but also cause heavy financial loss to the management.



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12. In view of the above said facts, the order impugned in the writ petition is hereby set aside and the University is directed to register the admission of all the 39 students whose names are annexed to the impugned order in BNYS course under lapsed seat category in the petitioner's college for the academic year 2024-2030.

13. With the above said deliberations, this writ petition stands allowed.
No costs. Consequently, connected writ miscellaneous petitions are also closed.

03.12.2025

NCC : Yes/No
Index : Yes/No
Internet: Yes/No
RJR



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To

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Fort St.George, Chennai – 600 009.
2. The Commissioner of Indian Medicine and Homeopathy,
Department of Indian Medicine and Homeopathy,
Arumbakkam, Chennai – 600 106.
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R.VIJAYAKUMAR, J.

RJR

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