

(2013) 11 MAD CK 0074

In the Madras High Court

Case No : Writ Petition No. 30195 of 2013 and M.P. No's. 1 and 2 of 2013

R. Gopalakrishnan

APPELLANT

Vs

Director of Medical Education and Others

RESPONDENT

Date of Decision : 13-11-2013

Acts Referred:

Citation : (2014) 2 MLJ 482

Hon'ble Judges : K.K. Sasidharan, J

Bench : Single Bench

Advocate : S. Subbiah, for the Appellant; D. Krishnakumar, Special Government Pleader, Mr. K. Rajendra Prasad, GA R1 and R3, Mr. Anand David -R2 and Mr. V.P. Raman MCI-R4, for the Respondent

Final Decision : Dismissed

Judgement

K.K. Sasidharan, J.—This writ petition, at the instance of a student of Chennai Medical College and Research Centre, Trichy, challenges

the notification issued by the Director of Medical Education proposing to conduct counselling for the students of DD Medical College of the year

2010-2011 for redeployment/reallotment to the Government Medical Colleges in the State of Tamil Nadu.

BRIEF FACTS:

The petitioner is the father of Ms. G. Akshaya, who is presently undergoing III year MBBS course at Chennai Medical College and Research

Centre, Irungalur, Trichy. The daughter of the petitioner was originally given a seat in Shri Muthukumaran Medical College and Research

Institution, Mangadu. She was subsequently reallotted to Chennai Medical College and Research Centre, Irungalur, Trichy.

2. It is the grievance of the petitioner that on account of his daughter's status as

Forward Community candidate, she was denied admission in

Government Medical College. According to the petitioner, the Government has taken a policy decision to accommodate the students of the year

2010-2011, who are now undergoing studies at DD Medical College in Government Medical Colleges. The State, without considering the cut off

marks secured by the students of the year 2010-2011, took a decision to admit all the students of DD Medical College. The petitioner wanted the

Government to consider the mark position for the year 2010-2011 and thereafter, to allot the students. In short, the petitioner wanted admission

for his daughter in any of Government Colleges on the basis of her rank position for the year 2010-2011, instead of giving admission to other

candidates of DD Medical College, who secured only lesser marks. SUBMISSIONS:

3. The learned counsel for the petitioner contended that the State should offer available seats to all the candidates, who are aspiring for admission,

on the basis of marks for the year 2010-2011. The students of DD Medical College, who are below the cut off marks could be allotted in the

resultant vacancies in private Colleges. The learned counsel therefore wanted the Government to adopt a policy of equitable distribution of seats in

Government Medical Colleges by giving an option to all the students, who are aspiring for admission.

4. The learned counsel for the Medical Council of India (hereinafter referred to as "MCI") submitted that it was only in the interest of the students

of DD Medical College, the MCI permitted the State Government to redeploy the students.

5. The learned Special Government Pleader (Education) submitted that the counselling has already been completed for admission of 150 students

in various Government Medical Colleges. The Selection Committee issued allotment orders to 149 students and they have already joined in the

concerned Institutions.

ANALYSIS AND CONCLUSION:

6. The substantive writ petition filed by DD Medical College challenging the order dated 14.10.2013 on the file of MCI is now pending before this

Court. The Parents Association and Students have filed individual writ petitions for a direction to the State of Tamil Nadu to take over DD

Medical College and DD Hospital. It was only during the pendency of the writ

petitions, the MCI permitted the State of Tamil Nadu to redeploy

150 students, who were admitted by the DD Medical College and DD Hospital during the academic year 2010-2011.

7. The MCI granted Letter of Permission to DD Medical and Hospital to open a Medical College in the District of Thiruvallur with an annual in

take of 150 students. The Medical College, on the strength of the Letter of Permission and the approval, admitted 150 students during the

academic year 2010-2011. The trouble started only thereafter. The Institution admitted 250 students for the year 2011-2012 as against the

permitted in take of 150 students. Subsequently, extension of permission was not granted. Even then, the Institution appears to have admitted

students. The Division Bench of this Court directed the MCI to inspect the Institution for the purpose of considering its application for renewal.

The order passed by the Division Bench was stayed by the Hon"ble Supreme Court. The matter is now pending before the Hon"ble Supreme

Court.

8. While the matters stood thus, the MCI passed an order dated 14.10.2013 recommending to withdraw the permission granted to the DD

Medical College and DD Hospital with retrospective effect from the academic year 2010-2011. Since such a drastic decision would affect the

future of students, who were admitted during the year 2010-2011, MCI permitted the State Government to redeploy the students as a special case

by increasing seats in Government Medical Colleges. The State Government was permitted to create additional seats for the said purpose in all the

Government Medical Colleges and distribute the seats proportionately on merits or on the choice of students.

9. The State Government initiated proposal to redeploy students pursuant to the decision taken by MCI. The impugned notification was only a

consequential act.

10. The core question for consideration is whether the 150 seats sanctioned by the MCI should be offered to the students, who were admitted in

various Institutions during the year 2010-2011, by taking into account the relative marks secured by them.

11. The petitioner's daughter was given admission during the year 2010-2011, taking into account the cut off marks secured by her. She is now

undergoing III year MBBS course at Chennai Medical College and Research Centre, Irungalur, Trichy.

12. The students of DD Medical College, who were given admission during the year 2010-2011 form a separate class. The students are not at

fault. The fault is only with the Institution. The MCI has taken a decision to withdraw the Letter of Permission with retrospective effect. The order

would apply even to the students admitted during the year 2010-2011. The decision taken by the MCI to withdraw the permission should not

affect the students, who are now undergoing the course. It was only for the said purpose, the MCI permitted the State Government to

accommodate the students in various Government Medical Colleges by increasing seats. The seats ear-marked for the students of DD Medical

College, who were admitted during the year 2010-2011 cannot be offered to other students, who were given admission by the Selection

Committee. The MCI has taken this decision as one time measure to grant relief to the students of DD Medical College. So long as it is clear that

the students were not at fault, it is not possible to pass an order to defeat their accrued right.

13. The learned Special Government Pleader (Education) produced a communication from the Director of Medical Education indicating that the

counselling conducted at 11.00 a.m. on 07.11.2013 and 149 students were allotted in 17 Government Medical Colleges in the State of Tamil

Nadu. The students, who were given admission in City Medical Colleges have joined. The other students would be joining by 08.11.2013. The

students numbering 149, who were given admission by the Selection Committee, are not before this Court. This writ petition concerns the fate of

150 students of DD Medical College. The petitioner, for the reason best known to him, failed to implead the students in whose favour the MCI has

passed the order, resulting in issuing the impugned notification.

14. There are no justifiable reasons demonstrated before this Court to quash the impugned notification, which was issued in the larger interest of

the students of DD Medical College. Therefore, I do not find any reason to entertain this writ petition. In the upshot, I dismiss the writ petition. No

costs. Consequently, the connected miscellaneous petitions are closed.