

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Special Original Jurisdiction)

Monday, the Twenty Eighth day of August Two Thousand Seventeen

PRESENT

THE HON`BLE MR. JUSTICE K. RAVICHANDRABAABU

WP No.21724, 21615 & 21397 of 2017

WMP.22733, 22734, 22617 & 22377/17

PONDICHERRY INSTITUTE OF
MEDICAL SCIENCES REP BY
CHAIRMAN DR.K.JACOB
KALAPET PUDUCHERRY- 605 014

[PETITIONER in WP No.21724/17 &
WMP.22733 & 22734/17]

SRI VENKATESWARA DENTAL
COLLEGE REP. BY ITS
CHAIRMAN B. RAMACHANDHIRAN
NO.13-A PONDY VILLUPURAM
MAIN ROAD ARIYUR PUDUCHERRY 605 102

[PETITIONER in WP No.21615/17 &
WMP.22617/17]

Vs

1 THE GOVERNMENT OF PUDUCHERRY [1 to 3 RESPONDENTS in WP No.21724/17
REP BY THE UNDER SECRETARY TO & WMP.22733 & 22734/17]
(GOVERNMENT HEALTH)
CHIEF SECRETARIAT PUDUCHERRY

2 THE CONVENOR (ADMISSIONS)
CENTAC- 2017-18 PONDICHERRY ENGINEERING
COLLEGE PILLAICHAVADY PUDUCHERRY

3 THE MEDICAL COUNCIL OF INDIA
REP BY SECRETARY POCKET-14 SECTOR-8
DWARKA PHASE-I NEW DELHI 11077

1 THE UNION TERRITORY OF [1 & 2 RESPONDENT in WP No.21615/17
PUDUCHERRY REP BY UNDER & WMP.22617/17]
SECRETARY TO GOVERNMENT
HEALTH DEPARTMENT OFFICE OF THE
CHIEF SECRETARIAT PUDUCHERRY-605 001

2 THE DIRECTOR
DIRECTORATE OF HEALTH & FAMILY WELFARE
SERVICES GOVERNMENT OF PUDUCHERRY

Writ Petitions under Article 226 of the Constitution of India praying that in these circumstances stated therein and in the respective affidavits filed therewith the High Court will be pleased to

(1) Issue a writ of certiorari mandamus or any other writ order or direction in the nature of writ of certiorarified mandamus calling for the records of the First respondent dated 04.08.2017 in C.27209/HF/Health/2016-17/267, quash the same insofar as it states that it is mandatory for the petitioner to admit 50% of the total intake from the religious minority (Christian) students of the State and Consequently direct the 2nd Respondent to allot students belonging to the Christian minority region for admission into the MBBS course offered by the Petitioner Institution for the academic year 2017-18 and thereafter irrespective of their place of domicile and strictly as per merit(in WP.No.21724/2017);

(2) Issue a writ of certiorari or any other writ order or direction in the nature of writ of certiorarified calling for the records on the files of the 1st respondent in its impugned proceeding No. 27209/ Health/ H5/ BDS/ 2017-18/258 dated 01.08.2017 and quash the same as invalid, illegal and unconstitutional in so far as it stipulates that Sri Venkateshwaraa Dental College is a Linguistic Minority Dental College. It is Mandatory as per Article 30(1) and Article 19 (1) (g) of Constitution of India, to admit 50% of total intake to Linguistic Minority (Telugu) of the State. NRI quota should not exceed 15% of the total intake(in WP.No.21615/2017);

(3) to issue an order of interim stay staying the operation of the order dated 04.08.2017 in NO. C. 27209/ HF/Health/ 2016- 17/ 267, issued by the First Respondent insofar as it is mandatory for the petitioner to admit 50% of the total intake from the religious minority (Christian) students of the State (in WMP No.22733/2017);

(4) to issue an order of interim direction directing the 2nd Respondent to allot students belonging to Christian minority for admission into the MBBS course offered by the Petitioner for the academic year 2017-18 irrespective of their place of domicile and strictly as per merit (in WMP No.22734/2017);

(5) to grant interim stay of operation of the proceeding No. 27209/ Health/ H5/ BDS/ 2017-18/258 dated 01.08.2017 passed by the 1st respondent in so far as it stipulates that Sri Venkateshwaraa Dental College is a Linguistic Minority Dental College. It is Mandatory as per Article 30(1) and Article 19 (1) (g) of Constitution of India, to admit 50% of total intake to Linguistic Minority (Telugu) of the State. NRI quota should not exceed 15% of the total intake (in WMP.No.22617/2017) pending disposal of above WP.No.21724, 21615/2017 respectively.

Order : These petitions coming on for orders upon perusing the petitions and the respective affidavits filed in support thereof and upon hearing the arguments of M/S.A.L.SOMAYAJI, for Senior Counsel for M/S.A.JENASENAN, Advocate for the petitioner in WP No.21724/17 & WMP.22733 & 22734/17 and of M/S.T.V.LAKSHMANAN, Advocate for the

petitioner in WP No.21615/2017 & WMP.22617/2017 and of M/S.C.T.RAMESH, Additional Government Pleader (P) for the 1 & 2 respondents in all the petitions the court made the following order:-

Post the matter on 29/08/2017.

Any mop up counselling done in the meantime is subject to the result of the writ petition and the respondents should also intimate the present position to the students, who for selected in the mop up counselling.

-sd/-
28/08/2017

/ TRUE COPY /

Sub-Assistant Registrar (Statistics / C.S.)
High Court, Madras - 600 104.

TO

1 THE UNDER SECRETARY
TO GOVERNMENT (HEALTH), THE GOVERNMENT OF
PUDUCHERRY, CHIEF SECRETARIAT, PUDUCHERRY

2 THE CONVENOR (ADMISSIONS)
CENTAC- 2017-18, PONDICHERRY ENGINEERING
COLLEGE, PILLAICHAVADY, PUDUCHERRY

3 THE MEDICAL COUNCIL OF INDIA
REP BY SECRETARY, POCKET-14, SECTOR-8,
DWARKA, PHASE-I, NEW DELHI 11077

4 THE DIRECTOR,
DIRECTORATE OF HEALTH & FAMILY WELFARE
SERVICES, GOVERNMENT OF PUDUCHERRY,

C.C. to M/S.A.JENASENAN Advocate on payment of necessary charges

C.C. to M/S.T.V.LAKSHMANAN, Advocate on payment of necessary charges

The Government Advocate, High Court, Madras - 104.

Order

in

WP No.21724, 21615 of 2017

WMP.22733, 22734, 22617 of 2017

Date :28/08/2017

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T.R (21/08/2017)
KP(28.08.2017)