

W.A.(MD)No.2136 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.10.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

and

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

W.A.(MD)No.2136 of 2024

and

C.M.P.(MD)Nos.15061 & 15062 of 2024

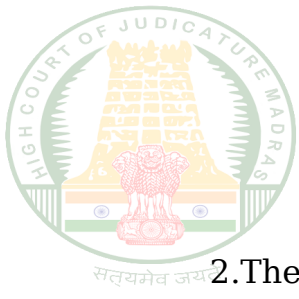
- 1.The Director,
Directorate of Medical Education and Research,
College Road, Chennai – 600 006.

- 2.The Additional Director,
Directorate of Medical Education and Research,
College Road, Chennai – 600 006.

- 3.The Secretary,
The Selection Committee,
Directorate of Medical Education and Research,
No.162, Periyar,
EVR High Road,
Kilpauk, Chennai – 600 010. : Appellants

Vs.

1.Jubil Timothy



W.A.(MD)No.2136 of 2024

2.The Union of India,
Represented by its Secretary,
Ministry of Education, 122-C,
Shastri Bhavan,
New Delhi – 110 001.

3.The National Medical Commission,
Represented by its Secretary,
Pocket – 14, Sector – 8,
Dwaraka,
New Delhi – 110 077.

: Respondents

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent,
praying to set aside the order dated 19.10.2024 in W.P.(MD)No.
24933 of 2024 on the file of this Court and allow this Writ Appeal.

For Appellants : Mr.J.Ravindran,
Additional Advocate General
Assisted by Mr.SRA.Ramachandran,
Additional Government Pleader
For Respondent No.1 : Mr.Isaac Mohanlal,
Senior Counsel
for M/s.Isaac Chambers
For Respondent No.2 : Mr.K.Govindarajan
Deputy Solicitor General of India



W.A.(MD)No.2136 of 2024

JUDGMENT

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Judgment of the Court was delivered by **R.SUBRAMANIAN, J.]**

Challenge is to the order of the learned Single Judge made in W.P.(MD)No.24933 of 2024 dated 19.10.2024.

2.We do not think we can interfere with the order of the learned Single Judge. All that has been done is to condone the mistake committed by a very bright student, who has obtained State first in ICSE Board of Studies in 12th Standard. The student conceded that he had committed a mistake in choosing BDS course despite having allotted a MBBS seat in the first round of counselling. This mistake has been condoned by the learned Single Judge and a direction has been issued to offer the seat that was allotted to the student in the first round.

3.The Director of Directorate of Medical Education and Research is on appeal.

4.The arguments of the learned Additional Advocate General appearing for the appellants is to the effect that the student should be imposed capital punishment for the mistake. We are unable to agree with the highly technical contention of the



W.A.(MD)No.2136 of 2024

learned Additional Advocate General. The Rule referred to reads as follows:

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“If opted for and upgraded in Rule 3, the candidate has to relinquish the seat from Round 1 or Round 2 and join the Round 3 allotted seat. He / She will not have any rights over the Round – 1 or Round – 2 seats.”

5.The language used is very clear and it applies only to upgradation and not to degradation. What has happened to this unfortunate candidate is, having been allotted a MBBS seat in the first round, he has been pushed to BDS, which is undoubtedly a degradation. Hence, we do not think this Rule can be invoked by the authorities to deny a seat to the said student. The learned Single Judge has referred to a Division Bench judgment of the **Karnataka High Court**, in the case of **Lakshmi P.Gowda Vs. Nation National Board of Examinations in Medical Sciences** made in **W.P.(MD)No.12859 of 2023**, where the Court has held that, the claim that re-allotment would open flood gates cannot be a defence to deny a meritorious candidate of a seat. In fact, the appointments to the posts of Civil Judges, Junior Division was forced to be reopened twice because of the bungling done by the TNPSC and we are not new to re-opening and re-allotment.



W.A.(MD)No.2136 of 2024

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6.Hence, this Writ Appeal is dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

[R.S.M.,J.] & [S.M.,J.]
22.10.2024

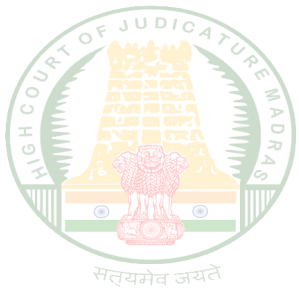
Neutral Citation : Yes/No

Index : Yes/No

Internet : Yes/No

MR

Note: Issue a copy of this order by 23.10.2024.



W.A.(MD)No.2136 of 2024

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- To
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Union of India,
Ministry of Education, 122-C,
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 - 2.The Secretary,
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R.SUBRAMANIAN, J.
and
SUNDER MOHAN, J.

MR

ORDER MADE IN
W.A.(MD)No.2136 of 2024

22.10.2024