

ITEM NOS.4 + 33 Court 5 (Video Conferencing)

SECTION X

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

Item No.4

Writ Petition(s)(Civil) No(s).8/2022

THE CHRISTIAN MEDICAL COLLEGE VELLORE ASSOCIATION Petitioner(s)

VERSUS

THE STATE OF TAMIL NADU & ANR.

Respondent(s)

(FOR ADMISSION and IA No.2057/2022-GRANT OF INTERIM RELIEF, IA No. 10741/2022 - CLARIFICATION/DIRECTION, IA No. 10893/2022 - GRANT OF INTERIM RELIEF)

WITH

Item No.33:

Writ Petition(s)(Civil) No(s).89/2022

Date : 14-02-2022 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE L. NAGESWARA RAO

HON'BLE MR. JUSTICE B.R. GAVAI

For Petitioner(s) Mr. Shyam Divan, Sr. Adv.  
Mr. Krishna Srinivasan, Adv.  
Mr. Sameer Parekh, Adv.  
Mr. E.R. Kumar, Adv.  
Ms. Geethi Ara, Adv.  
Mr. Udayaditya Banerjee, Adv  
Ms. Tanya Chaudhary, Adv  
Ms. Swati Bhardwaj, Adv.  
Mr. Raghav Bansal, Adv.  
Mr. Paritosh Arora, Adv.  
Ms. Nitika Pandey, Adv.  
Ms. Disha Sachdeva, Adv.  
Mr. Sudipto Sircar, Adv  
Mr. Adith Deshmukh, Adv.  
M/S.Parekh & Co., AOR

Ms. Anitha Shenoy, Sr Adv.  
Mr. Dama Seshadri Naidu, Adv  
Mr. Abishek Jebaraj, AOR  
Ms. Srishti Agnihotri, Adv  
Ms. Sanjana Thomas, Adv  
Ms. A. Reyna Shruti, Adv  
Ms. Aarti Krupa Kumar, Adv.  
Mr. Avinash Mathews, Adv.

For Respondent(s) Mr. Amit Anand Tiwari, AAG.  
Dr. Joseph Aristotle S., AoR.

Ms. Mary Mitzy, Adv.  
Ms. Devyani Gupta, Adv.

UPON hearing the counsel the Court made the following  
O R D E R

IA No.10741/2022:

On 19.01.2022, we directed that the admissions to the applicant college would be made from students belonging to Christian minority for PG courses 2020-21 from the NEET merit list. This I.A has been filed for a direction that allotment of students to the PG courses should be made from the All India merit list and not from the list prepared by the State for Christian minority students belonging to the State of Tamil Nadu.

A writ petition has also been filed by the students who completed their MBBS course from the applicant college raising similar grounds. That apart, the students belonging to the other states who have completed MBBS course in the applicant college are not being considered for admission on the ground that they are not residents in the state of Tamil Nadu. Yet another complaint which has been made by the students is that in service doctors have been given preference for admission in the application college by being allotted more marks.

The writ petition filed by the applicant is listed for hearing on 07.03.2022. The direction that was issued by this Court on 19.01.2022 relates to admissions to PG courses for the academic year 2021-2022 only. However, we are of the opinion that the order dated 19.01.2022 has to be clarified.

Without entering into the merits of detailed submissions made by Mr. Shyam Divan, learned senior counsel for the applicant, Ms. Anitha Shenoy, learned senior counsel and Mr. Sheshadri Naidu, learned counsel appearing for the students in the writ petition as well as Mr. Amit Anand Tiwari, learned Additional Advocate General for the State of Tamil Nadu, we are of the considered view that admissions to the PG for the academic year 2021-2022 shall be made in the following terms:

70 % of the admissions shall be made from the list of Christian minority students prepared by the State of Tamil Nadu on the basis of the marks obtained by the students in NEET PG examination. The Remaining 30% of the seats shall be filled up by the management by the same procedure that was followed for the academic year 2020-2021. The students belonging to States other than the State of Tamil Nadu who have completed their MBBS course in CMC, Vellore shall be entitled to be treated as residents of the State of Tamil Nadu in accordance with the prevalent procedure followed in the State of Tamil Nadu, subject to their entitlement.

The applicant college is also directed to ensure that no unnecessary / additional conditions are imposed for admission to the PG courses for the academic year 2021-22.

We make it clear that this order is restricted only for the purpose of admission for the year 2021-2022 and

shall not be treated as a precedent.

Interlocutory application stands disposed of.  
Pending application(s), if any, shall stand disposed of.

I.A.No.10893/2022:

By this application, the applicant seeks stay of operation and implementation of the communication dated 29.4.2021. A further direction is sought to the State to not interfere with the admissions of the NEET qualified candidates to UG MBBS course to the applicant institution. This I.A. is disposed of in terms of the IA No.10741/2022 and admissions to Under Graduate medical course in CMC Vellore for the academic year 2021-2022 shall be in the same manner and proportion as mentioned in the order in IA No.10741/2022. The only addition that requires to be made relates to admissions to the dependents of staff members working in CMC Vellore. We are informed by Mr. Shyam Divan, that the past practice followed by the institution was allotment of 10% seats of the undergraduate course every year to the children of the employees without insisting on their belonging to Christian Community. The interim arrangement for the present academic year is permitting the institution to make admissions to 30% of the seats by following the procedure that was followed for the year 2020-2021. 10% admissions to be allotted to the children of the staff members working in the applicant college would be within the said 30%. We reiterate that this order is

restricted only for admissions to undergraduate course for the academic year 2021-2022.

Interlocutory application stands disposed of.  
Pending application(s), if any, shall stand disposed of.

List the writ petitions on 07.03.2022.

(B.Parvathi)  
Court Master

(Anand Prakash)  
Court Master