

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.07.2015

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THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.18874 of 2015

And

M.P.No.1 of 2015

Minor Kartika rep by her father and natural guardian
Mr.Kulasekaran ... Petitioner

Vs.

- 1 The Union Territory of
Pondicherry Rep. by Centralised Admission
Committee (CENTAC 2015-16) Pondicherry
Engineering College Campus Puducherry.
- 2 The Union Secretary to
Government Rep. by its Health Secretary
Government of Puducherry.
- 3 Pondicherry Institute of
Medical Sciences Rep. by its Principal
Puducherry.
- 4 Mahatma Gandhi Medical
College and Research Institute Rep. by its
Principal Puducherry.
- 5 The Medical Council of India
Rep. by Secretary New Delhi. ... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the respondents to allot one seat in M.B.B.S. Degree Course 2015-2016 for the petitioner K.Kartika with registration No.36655 at Pondicherry Institute of Medical Sciences Puducherry (PIMS) at the rate of Fee fixed by the Committee.

For Petitioner : Mrs.Selvi George

For Respondents : Mrs.N.Mala for R1 to R3
Additional Government Pleader
Mr.V.P.Raman for R5
No Appearance for R4

O R D E R

By consent, the writ petition is taken up for final disposal.

2.The deponent of the affidavit is the father of the petitioner and according to him, her daughter-the petitioner has completed Higher Secondary course by securing 935 marks and she belongs to Most Backward Community. The petitioner applied for admission to MBBS Course under Sports quota as she has participated in one meritorious sport namely, "Tennikoit". It is also recognized in the list of sports eligible for studies under sports quota. The Petitioner was selected and allotted to a private Medical College, namely, Mahatma Gandhi Medical College and Research Institute, Puducherry under Sports quota and she is called upon to report before the said College on or before 02.07.2015.

3.It is the case of the petitioner that her father is working in the Public Relations Department of Union Territory of Puducherry and since the annual fees demanded by the fourth respondent private college is Rs.10,00,000/- per year and she is not in a position to pay the same, she could be accommodated in the Government Medical College and prays for appropriate orders.

4.Per contra, Mrs.N.Mala, learned Additional Government Pleader who accepts notice on behalf of the respondents 1 to 3 would submit that Sports quota is available only in respect of Mahatma Gandhi Medical College and Research Institute, Puducherry and by virtue of higher performance a candidate has already been given seat under the Sport quota and insofar as the Mahatma Gandhi Post Graduate Institute of Dental Science is concerned, no seat is available in the Sports quota and the only college in which the sports quota is available is the fourth respondent college and rightly, the petitioner has been accommodated.

5.In response to the said submission, the learned counsel appearing for the petitioner would submit that since the petitioner is left with no other option except to join the fourth respondent college, she will join the college on or before 02.07.2015 and would pray for appropriate direction to submit representation to the fourth respondent requesting to pay the said sum in installments and prays that the fourth respondent may be directed to consider the same and pass suitable orders.

6.This Court has carefully considered the rival submissions and also perused the materials placed before it. In the light of the stand taken by the respondents 1 and 2, this Court cannot issue any direction to create Sports quota in Government Medical College/ Dental College to accommodate the petitioner. Since the petitioner has already been allotted a seat under the Sports quota in fourth respondent medical college, she is at liberty to join the same on or before 02.07.2015. This Court taking into consideration, the poor economic background given by the petitioner, grants liberty to the

petitioner to submit representation to the fourth respondent praying to pay the first year fee of Rs.10,00,000/- in installments. The fourth respondent may sympathetically consider the said request and pass appropriate orders.

7.The writ petition is disposed of accordingly. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

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To

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1 cc to Ms.Selvi George, Sr. 32588
1 cc to Government Pleader, Sr. 33010

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