

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.09.2015

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THE HONOURABLE MR. JUSTICE M.M.SUNDRESH

W.P.No.21045 of 2015
and M.P.Nos.1 & 2 of 2015

Seru Ramya Anusha Sai Lakshmi

... Petitioner

-Vs-

1. Government of Puducherry,
Centralised Admission
Committee 2015-16 (CENTAC),
rep by its Convener,
Puducherry Engineering College Campus,
Puducherry UT - 605 014.
2. The Medical Council of India,
rep by its Chairman,
Pocket - 14, Sector 8,
Dwarka, Phase - I, New Delhi - 110 077.
3. The Chief Secretary of Government,
Government of Puducherry,
Secretariat, Puducherry UT.
4. The Secretary to Government,
Higher Education Department,
Government of Puducherry,
Secretariat, Puducherry UT.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of certiorarified mandamus directing calling for the records of the 1st respondent in connection with the Information Bulletin 2015-16 for Admission to Professional Courses in Union Territory of Puducherry issued vide G.O.Ms.No.27 dated 01.04.2015 and quash the same in so far as Para 2.2 therein to the limited extent of restricting the number of appearance in the qualifying examination for MBBS Course as Single and to direct the respondents to consider the candidature of the petitioner on the basis of marks secured by her in the results published in June 2015 for 2nd Year Advance Supplementary Examination in the Intermediate Course and to accordingly assign the CENTAC Ranking to her and on the basis of the same admit her for medical course for the year 2015-16.

For Petitioner : Mr.M.Ravi

For Respondents: Mr.A.Tamilvanan,
Government Advocate (P) (R1, R3 & R4)

Mr.V.P.Raman (R2)

O R D E R

The petitioner herein, wrote the intermediate public examination from the Board of Intermediate Education, Andhra Pradesh, held in the month of March 2014. Thereafter, she wrote the supplementary examination in June 2015. In the counselling for MBBS under the respondents, the petitioner was not selected based on the original marks obtained by her. With the mark obtained in the main examination conducted in the year 2015, challenging the Information Bulletin in para 2.2, which mandates that only a candidate who secure appropriate marks in the first attempt alone will be considered, the present Writ Petition has been filed.

2.The learned counsel for the petitioner submitted that the petitioner has secured higher marks in the main examination. If the main examination marks are taken into consideration, then she would be entitled for a medical seat. There is no nexus between the object sought to be achieved and the rationale behind Para 2.2 of the Bulletin. The petitioner having done the improvement examination, cannot be denied a seat. A further submission has been made that Note to Para 2.2 states that even failed candidate can apply.

3.If that is the case, it defeats a student with higher marks in main examination, which cannot be allowed. But taking into consideration the marks obtained subsequently, the petitioner did attend the counselling and therefore, she is not suited to challenge the Information Bulletin. Be that as it may, the power of judicial review of this Court to go into the academic standards qua the qualification prescribed is rather limited. Admittedly, in the Union Territory of Puducherry, there is no improvement provided. Even otherwise, the petitioner cannot seek to introduce a new Clause based upon the marks obtained by her in the improvement examination. A challenge to an action cannot be made against a factual situation, alleging arbitrariness or unreasonableness, as the case may be, has to be demonstrated before this Court. It is not that the petitioner has been discriminated. The marks obtained by her in the first examination was in fact taken into account. The qualification has got nexus to the object sought to be achieved. The classification of the first time candidate, who write the examination for the first time, being distinct, cannot be termed as arbitrary, as it forms a class of its own.

4.In the counter affidavit, it has been stated that by allowing improvement examination, the other students who have passed out from the other Board would be at a disadvantageous

position. Such a stand taken cannot be termed as arbitrary. This Court cannot issue a writ of mandamus to the addition of something which is not there in the Bulletin, by taking into consideration the position of a single candidate like that of the petitioner, when it has been introduced based upon the relevant materials and taking note of the prevailing situation.

5.The other contention made was that even a failed candidate would become eligible, cannot be countenanced, since it was not mentioned for MBBS candidate. It is also reiterated in the counter affidavit that a candidate who has failed in the first time is debarred for consideration for selection after being passed in the next year. As there is no discrimination and the respondents have followed uniformity in standard, the petitioner, merely because she has done improvement in Andhra Pradesh, cannot be allowed taking into consideration of her subsequent marks obtained in the improvement examination. Thus, no merit in the Writ Petition. The Writ Petition is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS IV)

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Sub Assistant Registrar

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To

- 1.The Convener,
Government of Puducherry,
Centralised Admission Committee 2015-16 (CENTAC),
Puducherry Engineering College Campus,
Puducherry UT - 605 014.
- 2.The Chairman, Medical Council of India,
Pocket - 14, Sector 8,
Dwarka, Phase - I, New Delhi - 110 077.
- 3.The Chief Secretary of Government,
Government of Puducherry,
Secretariat, Puducherry UT.
- 4.The Secretary to Government,
Higher Education Department,
Government of Puducherry,
Secretariat, Puducherry UT.

+ 1 cc to Mr.M. Ravi, Advocate Sr.47945
+ 1 cc public Prosecutor, High Court, Madras

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and M.P.Nos.1 & 2 of 2015

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