

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.09.2015

CORAM

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

W.P.No.29780 of 2015

and

M.P.No.1 of 2015

E.Varshinee

... Petitioner

Vs.

1.Medical Council of India,
New Delhi.

2.Central Board of Secondary Education,
All India Pre-Medical/Pre-Dental Entrance Test Unit,
Shiksha Kendra, 2, Community Centre,
Preet Vihar,
Delhi - 110 092.

3.The Secretary,
Selection Committee,
Directorate of Medical Education,
E.V.R. Periyar Salai,
Kilpauk, Chennai - 600 010.

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India praying to issue Writ of declaration declaring 15(1) of the Information Bulletin of All India Pre-Medical Test - 2015 insofar as it fix the minimum eligibility marks for SC/ST candidates are concerned as null and void, unconstitutional and direct the respondents to admit the petitioner in MBBS Course for 2015-16.

For Petitioner : Mr.C.Selvaraj, SC

for M/s.C.S.Associates

For R3 : Mr.S.V.Duraisolaimalai, AGP

O R D E R

Seeking for admission to the All-India quota, the petitioner has filed the present writ petition to declare the Clause 15(1) of the Information Bulletin of the All India Pre-Medical Test - 2015, by which a minimum of 40% marks has been fixed towards qualifying criteria for the candidates belonging to SC, ST and OBC categories in Physics, Chemistry, Biology/Bio-technology, as

unconstitutional.

2. Learned Senior counsel appearing for the petitioner submitted that the fixation of cut-off marks at 40% as qualifying criteria is arbitrary. It has got no useful object sought to be achieved. Therefore, the same shall have to be declared as null and void.

3. In academic matters, the power of Judiciary is limited. Therefore, this Court is unable to find any arbitrariness as contended by the learned Senior counsel for the petitioner. In the absence of any unreasonableness or arbitrariness, this Court is not inclined to interfere with the policy decision taken by the Government. A policy decision has been made by taking into consideration of the nature of the course for which an admission is sought for. It is not the case of the petitioner that the fixation of qualifying criteria is repugnant to any other enactment. The said qualifying criteria has been fixed for a medical course, thus, it has to be seen with respect to which course a candidate seeks admission and not from the perspective of such candidates. It is also to be seen that as against the general candidate, lesser percentage has been fixed for the reserved candidates. Merely because the petitioner has not reached the qualifying criteria, it cannot be said that the same is illegal.

4. The other contention of the learned Senior counsel is that 40% has been fixed as qualifying criteria not only for SC/ST candidates, but also OBC candidates as well. The percentage has been fixed by taking into consideration of the each category. Merely because the same percentage has been fixed for OBC category, the percentage fixed for SC/ST categories cannot be held as arbitrary. It is not as if the petitioner would come under the OBC category. In other words, she is concerned with SC category. Therefore, the comparison sought to be made cannot be accepted, since the petitioner in any case cannot be considered under the OBC category.

5. Thus, for the reasons stated above, the writ petition fails and the same is dismissed. No Costs. M.P.No.1 of 2015 is closed.

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-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1. Medical Council of India,
New Delhi.

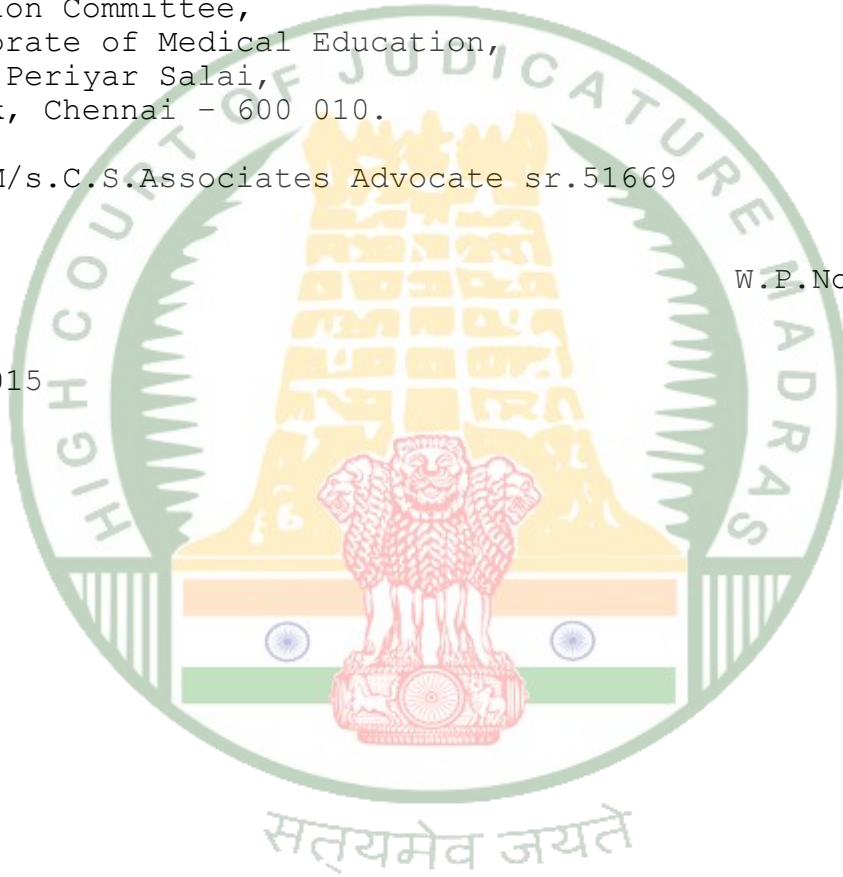
2. Central Board of Secondary Education,
All India Pre-Medical/Pre-Dental Entrance Test Unit,
Shiksha Kendra, 2, Community Centre,
Preet Vihar,
Delhi - 110 092.

3. The Secretary,
Selection Committee,
Directorate of Medical Education,
E.V.R. Periyar Salai,
Kilpauk, Chennai - 600 010.

+1 cc to M/s.C.S.Associates Advocate sr.51669

W.P.No.29780 of 2015

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