



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.06.2015

CORAM:

THE HONOURABLE MR.JUSTICE S.MANIKUMAR
and

THE HONOURABLE MR. JUSTICE G.CHOCKALINGAM

W.P. (MD)No.9687 of 2015

and

M.P. (MD)Nos.1 and 2 of 2015

Dr.P.K.Latha

... Petitioner

Vs.

1.Government of Tamil Nadu

Represented by its Secretary,
Department of Health and Family Welfare,
Secretariat, St.George Fort,
Chennai - 9.

2.The Selection Committee

Directorate of Medical Education
162, P:eriyar E.V.R.High Road,
Kilpak, Chennai.

... Respondents

PRAYER: The Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, forbearing the respondents herein from admitting the students, who had passed plus two in the year March, 2014 to MBBS / BDS admission for the year 2015-16.

For Petitioner : Ms.B.Asha

For Respondents : Mr.M.Govindan
Spl.Govt.Pleader

ORDER

(Order of this Court was made by **S.MANIKUMAR, J.**)

Dr.P.K.Latha, as a pro bono publico litigant, has sought for a Writ of Mandamus, forbearing the respondents from admitting students, who had passed plus two in March, 2014, to MBBS / BDS admission, for the year 2015-16.

2. The main contention of the petitioner is that the students, who had passed in the year 2014, have higher cut off marks than the students, who have passed in 2015 and that therefore, they should not be allowed to participate for admission to MBBS / BDS courses, for the year 2015. In the supporting affidavit, the petitioner has contended that her daughter has completed +2 examination in March 2015 and scored 1164/1200 marks. <https://hcservices.ecourts.gov.in/hcservices/> her cut off mark for medical is 194.75. She comes under Backward Community category. Writ petition has been filed, as a Public Interest Litigation.



3. At para No.9 of the supporting affidavit, the petitioner has contended that there is no private interest in filing the writ petition. But during the course of hearing, it is fairly admitted that the petitioner's daughter has also applied for admission to MBBS / BDS courses, and if the present cut off mark is allowed to be applied for selection, she will not get admission. Learned counsel also submitted that barring the above, there is a private interest involved. Having regard to the above averments and in the light of the admission, we posed a question to the learned counsel for the petitioner, as to whether there was any private interest involved, the answer was 'no'. On the averments extracted and submission, we are not inclined to accept the same, for the reason that in the prayer sought for, there is certainly, a private interest. It is well settled that in Public Interest Writ Petition, there should not be any private interest and it should be real and genuine public interest.

4. Having regard to the private interest involved, we are not inclined to entertain the writ petition. The writ petition is dismissed, without going into the merits of the case. No costs. Consequently, connected miscellaneous petitions are also dismissed.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

1.The Secretary,
Government of Tamil Nadu
Department of Health and Family Welfare,
Secretariat, St.George Fort,
Chennai - 9.

2.The Selection Committee
Directorate of Medical Education
162, P:eriyar E.V.R.High Road,
Kilpak, Chennai.

+1cc to M/S.Polax Legal Solutions,Advocate in SR.No 31448

+1cc to Special Government Pleader in SR.No. 31378.

TS/26.06.2015/2P -5C