

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.07.2016

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.21550 of 2016
and
W.M.P.No.18429 of 2016

K.Nandhinee

... Petitioner

Vs.

1. The Government of Tamil Nadu
Rep. by its Secretary,
Health and Family Welfare (ME) Department
Fort St. George,
Chennai-600 009.
2. The Director,
Directorate of Medical Education,
Kilpauk,
Chennai-600 010
3. The Secretary
Selection Committee,
Directorate of Medical Education,
Kilpauk, Chennai-600 010.

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the respondents to admit the petitioner in M.B.B.S Course for the academic year 2016-2017 against the quota reserved for physically handicapped person based on the disability certificate issued to the petitioner by the District Medical Board, Villupuram on 26.05.2016.

For Petitioner : Mr.R.Karunakaran

For Respondents : Mrs.P.Rajalakshmi
Government Advocate

O R D E R

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

2.The facts leading to the filing of this writ petition has been narrated in detail and in extension in the interim order dated 23.06.2016, made in this writ petition as well as in W.M.P.No.18429 of 2016 and therefore, it is not necessary to re-state the facts.

3.The learned Government Advocate on instructions would submit that in compliance of the above stated interim order, new Expert Committee was constituted by the third respondent consisting of Dr.G.Sarala, Professor of Neurology, Rajiv Gandhi Government General Hospital and Madras Medical College, Chennai - 600 003, Prof.N.Deen M.Ismail, Director Incharge and Professor, Institute of Orthopaedics and Traumatology, Madras Medical College and Rajiv Gandhi Government General Hospital, Chennai - 600 003 and Dr.T.Jayakumar, Senior Assistant Professor, Civil Surgeon, Government Institute of Rehabilitation Medicine, K.K.Nagar, Chennai - 600 083 and it also opined that the petitioner is having locomotor disability of 80%.

4.It is the further submission of the learned Government Advocate that in terms of clause 41(iii) (a) of the prospectus which reads as under:

"(iii) Seats Reserved for Orthopaedically Physically Disabled:

(a) 3% of the total number of seats available in Government Medical/ Dental Institutions are reserved for the Orthopaedically Physically disabled candidates. In the first instance in the reservation of seats, candidates with disability of lower limbs between 50% to 70% shall be considered and in case candidates are not available in that category then candidates with disability of lower limbs between 40% to 50% may be considered. The other conditions for admission into MBBS/ BDS Course will be applicable as in the case of the general category;"

and as per the second opinion given by the Expert Committee constituted by the third respondent, the petitioner is having locomotor disability of 80% and hence, she cannot be considered for the said category.

5.Though this Court sympathizes with the petitioner for the reason disability came into being in the form of an unfortunate accident, is not in a position to help the petitioner on account of the said certificate of the second Expert Committee dated 29.06.2016.

6. Therefore, the writ petition is dismissed and the petitioner, if so advised, she is at liberty to challenge the said certificate in the manner known to law, before the competent forum. The report of the second Expert Committee dated 29.06.2016, is taken on file and recorded. No costs. Consequently, connected miscellaneous petition is also closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary,
Health and Family Welfare (ME) Department
Fort St. George, Chennai-600 009.
2. The Director,
Directorate of Medical Education,
Kilpauk, Chennai-600 010
3. The Secretary
Selection Committee,
Directorate of Medical Education,
Kilpauk, Chennai-600 010.

+1cc to Mr.R.Karunagaran, Advocate, S.R.No.38373
+1cc to the Government Pleader, S.R.No.38511

W.P.No.21550 of 2016
and

W.M.P.No.18429 of 2016

TM(CO)
CA(23/07/2016)

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