

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 14.10.2016

CORAM

THE HONOURABLE Mr.JUSTICE B.RAJENDRAN

WP.No.22807 of 2016

and WMP.Nos.19491 & 20769 of 2016

Minor Santhwana, A
Rep by her father and natural guardian
Ajith G.P. ... Petitioner

Vs

1.The Union of India,
Rep by the Chief Secretary to Government,
Government of Union Territory of Puducherry,
Puducherry.

2.The Secretary to Government,
Higher Education Department,
Government of Union Territory of Puducherry,
Puducherry.

3.The Under Secretary to Government,
Higher and Technical Education Department,
Government of Union Territory of Puducherry,
Puducherry.

4.The Convenor,
Centralised Admission Committee,
CENTAC 2016-17,
Pondicherry Engineering College Campus,
Government of Union Territory of Puducherry,
Puducherry.

5.The Principal,
Government Homeo College,
Bengaluru, Karnataka State.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of
India praying for a Writ of Declaration to declare the

G.O.Ms.No.4 dated 09.02.2016 as illegal and ultravires and consequently direct the respondents to consider the petitioner as eligible for professional college seats in Puducherry and allot the BHMS seat available in the 5th respondent institution or such other seat as may be directed by this Hon'ble Court.

For Petitioner : M/s.Sai Bharath and Ilan
For R1 to R4 : Mrs.Reena Iswarya, GA [Pondy]

O R D E R

This petition has been filed to declare the G.O.Ms.No.4, dated 09.02.2016, as illegal and ultravires and to direct the respondents to consider the petitioner as eligible for professional college seats in Puducherry and allot BHMS seat to the petitioner available in the 5th respondent institution.

2. Heard the learned counsel for the petitioner; learned Government Advocate for the respondents 1 to 4 and perused the materials available on record.

3. After some elaborate arguments, learned counsel for the petitioner fairly submitted that, in view of the earlier order passed by this Court in a batch of Writ Petitions in W.P.Nos.14205, 14234 and 14235 of 2016, upholding the G.O.Ms.No.4, dated 09.02.2016, the present Writ Petition challenging the said Government Order, does not arise as the same has already been governed by the aforesaid judgment. At the same time, he would point out that one seat is lying vacant in Karnataka under the Puducherry quota and prays for allotting the same to the petitioner. Learned counsel would further contend that the petitioner may be permitted to make a representation to the authority concerned, seeking for allotment of seat and the same shall be considered by taking a lenient view as the one seat should not go vacant.

4. Learned counsel for the respondents 1 to 4 would submit that allotment of seat is a policy decision by the Government and that the respondents cannot allot a seat for the other State candidate.

5. Taking into consideration that one seat should not go vacant and in view of the matter that it is a policy decision of the respondents that they cannot allot a person of another state and only the Government can take such a decision, this court is inclined to direct the petitioner to make representation to the authority concerned and the same shall be considered in accordance with law by the respondents. It is further made clear that it is always open to the respondents to allot the

vacant seat as per vacancy available in Karnataka, to the candidate who is eligible for the same.

With the above observation, the Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Asst. Registrar.

/true copy/

Sub Asst. Registrar.

smi/gya

To

1.The Chief Secretary to Government,
Union of India,
Government of Union Territory of Puducherry,
Puducherry.

2.The Secretary to Government,
Higher Education Department,
Government of Union Territory of Puducherry,
Puducherry.

3.The Under Secretary to Government,
Higher and Technical Education Department,
Government of Union Territory of Puducherry,
Puducherry.

4.The Convenor,
Centralised Admission Committee,
CENTAC 2016-17,
Pondicherry Engineering College Campus,
Government of Union Territory of Puducherry,
Puducherry.

+1 CC to M/s. Sai, Bharath & Ilan, Advocate Sr.No.58254

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MD : 19/10/2016