

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.09.2016

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.Nos.25203 to 25207 of 2016

& W.M.P.Nos.21582, 21585, 21588, 21591 & 21594 of 2016

S.Aruna Petitioner in W.P.No.25203 of 2016
R.Suganthi Petitioner in W.P.No.25204 of 2016
S.Leela Flavia Petitioner in W.P.No.25205 of 2016
K.Divya Petitioner in W.P.No.25206 of 2016
A.Sivaranjani Petitioner in W.p.No.25207 of 2016

Versus

- 1.The Government of Pondicherry,
Rep. By its Chief Secretary,
Chief Secretariat,
Pondicherry.
- 2.The Secretary,
Department of Higher Education,
Government of Pondicherry,
Chief Secretariat,
Pondicherry.
- 3.The Convenor,
Centralised Admission Committee - CENTAC,
Pondicherry Engineering College Campus.
Pondicherry. .. Respondents in all W.Ps.

Prayer in all W.Ps.: Petition filed under Article 226 of the Constitution of India, seeking for a Writ of Certiorarified Mandamus to call for the records pertaining to the Impugned Government Order, published in the Pondicherry Gazette on 08.03.2016, vide G.O.Ms.No.6, dated 04.03.2016, Chief Secretariat (Higher and Technical Education), Government of Pondicherry and struck down clause 3.0 of the said G.O. which reads as follows "Students Admitted through Centralised Admission Committee (CENTAC) under "Government Quota Seats" of professional colleges of this Union Territory, in any particular Academic Year will not be eligible for any "Government Quota Seats" in subsequent years" and direct the respondents to permit the petitioner to participate in the second phase of counselling to be held after 18.07.2016, for the MBBS course, conducted by the 3rd respondent.

WP.Nos.25204, 25206 & 25207/16: Petition filed u/a.226 of the Constitution of India to call for the records pertaining to

the impugned government order published in the Pondicherry Gazette on 08.03.2016 vide G.O.Ms.No.6 dated 04.03.2016 Chief Secretariat (Higher and Technical Education) Government of Pondicherry and quash clause 3.0 of the said G.O which reads as follows Students Admitted through Centralised Admission Committee (CENTAC) under Government Quota Seats of professional colleges of this Union Territory in any particular Academic year will not be eligible for any Government Quota Seats in subsequent years and direct the respondents to permit the petitioner to participate in the 2nd phase counselling to be held after 18.7.2016 for the MBBS courses conducted by the 3rd Respondent.

For Petitioner : Mr.B.Balavijayan [in all W.Ps.]

For Respondent : Mrs.Reena Iswarya, AGP (Pondicherry)
[in all W.Ps.]

C O M M O N O R D E R

Heard Mr.B.Balavijayan, learned counsel appearing for the petitioner and Mrs.Reena Iswarya, learned Additional Government Pleader (Pondicherry) appearing for the respondents.

2. In this writ petition, the petitioner challenges the Government order passed by the respondents, which has imposed the following condition:

"Students Admitted through Centralised Admission Committee (CENTAC) under "Government Quota Seats" of professional colleges of this Union Territory, in any particular Academic Year will not be eligible for any "Government Quota Seats" in subsequent years"

3. Admittedly, all the petitioners, after completion of plus 2 examination, appeared for the selection of MBBS / BDS course for the academic year 2015-16 and such selection was conducted by the Centralised Admission Committee (CENTAC).

4. The petitioners' had secured cut-off marks, but were not eligible to get MBBS seat and but were awarded BDS seats. All the petitioners, without any demur, joined the course and they are undergoing the course.

5. While so, it was a repetitive feature that the people were discontinuing BDS course after undergoing the course of one year study and applying for admission to MBBS course in the next Academic year, the Government passed an GO.Ms.No.50, dated 28.07.2015, which is to the following effect.

" In the CENTAC Information Bulletin 2015-16, after the existing clause 2.5 therein, a new clause viz., 2.6 shall be inserted as follows:-

2.6. Restriction of candidate(s) selected to professional course(s) in Professional Colleges through CENTAC in previous academic years:

Students admitted through Centralised Admission Committee (CENTAC) under 'Government quota seats' of Professional Colleges of this Union Territory, in any particular academic year will not be eligible for any Government quota in subsequent years"

3. All other conditions stipulated in the (1) G.O.Ms.No.27, dated 01.04.2015 of Chief Secretariat (Education), Puducherry, and (2) G.O.Ms.No.35, dated 25.05.2015, of Chief Secretariat (Education), Puducherry, remains unaltered.

(By order of the Lieutenant-Governor)

6. In terms of the above Government order, the students who are admitted through CENTAC under Government quota seats in Professional Colleges of Union Territory of Pondicherry, in any particular academic year, will not be eligible for any Government College in the subsequent years. This Government Order though was issued, was not immediately implemented, since, by then, the academic year had begun. Therefore, subsequently, in October 2015, well before the academic session year 2016-17, the said Government Order was notified and came into force. Now, the petitioners are aggrieved by the notification, dated 04.03.2016. In fact, in the prospectus, which has been notified for the selection for 2016-17, this is one of the conditions.

7. The petitioners have not questioned the decision of the Government taken vide G.O.M.S.No. 50, dated 28.07.2015. The impugned order is only a prospectus, which is by way of implementation of the Government Order, which was also notified in the Government Gazette and has come into force.

8. On a perusal of the terms of the notification, it is evidently clear that this notification came to be issued with a view to ensure that the persons, who are admitted under Government quota in professional colleges, do not have any unfair advantage in the subsequent year for any Government quota seat. The decision of the respondent Government is fair and reasonable and there is nothing discriminatory or arbitrary in such decision. Thus, the petitioners have not made out any case for interference. Furthermore, even at the time of admission, when the Writ Petitions were entertained, the Court was not convinced to grant any interim order and the Miscellaneous Petitions were dismissed and closed.

<https://hcservices.ecourts.gov.in/hcservices/> In the light of the above reasoning, no grounds have been

made out to interfere with the impugned Government Order and accordingly, the Writ Petitions are dismissed. No costs. Consequently, Miscellaneous Petition are closed.

Sd/-
Asst.Registrar (CS V)

/true copy/

Sub Asst. Registrar

To

- 1.The Chief Secretariat,
Government of Pondicherry,
Chief Secretariat,
Pondicherry.
- 2.The Secretary,
Department of Higher Education,
Government of Pondicherry,
Chief Secretariat,
Pondicherry.
- 3.The Convenor,
Centralised Admission Committee - CENTAC,
Pondicherry Engineering College Campus.
Pondicherry.

+5 cc's to Government Pleader,sr.54913

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krd 7/11

W.P.Nos.25203 to 25207 of 2016
& W.M.P.Nos.21582 to 21584 of 2016

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