

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.12.2016

CORAM :

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

W.P. No. 43899 of 2016

R. Sineka (minor)
rep. By her natural guardian/
mother R. Kavitha ..Petitioner

Vs.

1. The Principal Secretary to
Government of Tamil Nadu
Department of Health
Fort St. George
Chennai - 600 009.
2. The Director of Medical Education
Tamilnadu State
Chennai.
3. The Secretary
Selection Committee
No.162 EVR Periyar Salai
Kilpauk, Chennai - 10. .. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents to consider for allotment of one seat in available vacancy in any of the Dental Colleges to the petitioner in Bachelor of Dental Surgery (BDS) course in Tamil Nadu State and pass further orders.

For Petitioner : Mr. T.P. Prabakaran

For Respondents : Mr. A. Kumar, Spl. Govt. Pleader

O R D E R

Mr. A. Kumar, learned Special Government Pleader takes notice for the respondents and by consent of both the parties, the matter was taken up for final disposal.

2. The petitioner has filed the present writ petition praying for a direction to the respondents to consider her for allotment of one seat in an available vacancy, in any

one of the Dental Colleges to the petitioner, in Bachelor of Dental Surgery (BDS) course in the State of Tamil Nadu.

3. Learned counsel for the petitioner would submit that the petitioner passed her +2 examination, scoring 1079 marks out of 1200 marks and applied for BDS course to the 3rd respondent. Since no call letter was received by the petitioner for counselling, through the official web site or by post, she was not able to attend the counselling. When the petitioner approached the 3rd respondent, it was informed that an SMS has been sent to her father, who is working as an Inspector of Police, Railway Protecting Force in West Bengal. Although the petitioner accepts the bonafide mistake on their side, she made written and personal requests to the 3rd respondent stating that due to the nature of duty of her father, he was unable to notice the SMS and pass on the message to her. But, the 3rd respondent refused to allow the petitioner for counselling, during subsequent dates. Learned counsel further submitted that candidates who have secured lesser marks than the petitioner, have been allotted BDS seats in various institutions. Aggrieved by the same, the petitioner has filed this Writ Petition with the aforesaid prayer.

4. Learned Special Government Pleader submitted that the last date for counselling, as per the schedule, issued based on the guidelines issued by the Hon'ble Supreme Court in the case of Mridul Dhar (Minor) & Anr. vs. Union of India & Ors., reported in (2005) 2 SCC 65, is 30.09.2016 of the respective academic year and so, in the middle of the academic year, the prayer of the petitioner cannot be considered.

5. Heard learned counsel for the petitioner and learned Special Government Pleader for the respondents.

6. It is found that the petitioner has filed the present writ petition very belatedly and that the entire selection process has been completed in the month of September 2016 itself, based on the guidelines of the Hon'ble Supreme Court. Whiles, this Court is not inclined to extend the period of selection, by considering the prayer of the petitioner.

7. Considering the facts and circumstances of the case and in the light of the decision cited supra, this writ petition is dismissed. No costs.

s/d-
Assistant Registrar (CS-II)

// True Copy//

Sub-Assistant Registrar

To

1. The Principal Secretary to
Government of Tamil Nadu
Department of Health
Fort St. George
Chennai - 600 009.

2. The Director of Medical Education
Tamilnadu State, Chennai.

3. The Secretary
Selection Committee
No.162 EVR Periyar Salai
Kilpauk, Chennai - 10.

+1 CC to T.P. Prabakaran, Advocate sr 74493

+1 CC to The Govt. Pleader sr 74813

W.P. No. 43899 of 2016

MV (CO)
sp/14/2



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