

HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN
AND
HON'BLE MRS JUSTICE ANIS

W.P.No.35923 of 2015

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Order: (per V.Ramasubramanian, J.)

The petitioner who participated in the EAMCET, 2015 for admission to Under-Graduate Medical Courses, has come up with the above writ petition seeking the issue of Writ of *mandamus* to direct the respondents to treat her under the appropriate Priority Category under the Sports Quota for admission to the courses for the academic year 2015-16.

2. Heard the learned counsel for the petitioner, the learned counsel for the 1st respondent and the learned counsel for the 2nd respondent-University.

3. The claim of the petitioner was that she had participated in the International Fencing World Cup Final, held at Beijing, China from 01st May to 03rd May, 2015 and that therefore her case would fall under Priority No.10 with Merit Order No.19.
But, she was granted Priority No.27 with Merit Order No.54.

4. The 1st respondent filed a counter affidavit, pointing out that the participation of the petitioner in World Cup, 2015 in Women's Fencing at Beijing, China was not authenticated by the Sports Authority of India as is required under G.O.Ms.No.11, dated 15-7-2008. It appears that letters were addressed to the Sports Development Authority of India for authentication, but no reply was received till the close of the admission on 30-9-2015.

5. Therefore, taking clue from the aforesaid averments in para 6 of the counter affidavit of the 1st respondent, it is contended by the

learned counsel for the petitioner that even if the petitioner may not be entitled at this distance of time to seat, for the academic year 2015-16, the petitioner should be granted compensation, as given by this Court by its order dated 25-01-2016 in W.P.No.32681 of 2015.

6. We have carefully considered the above submissions. Today, admittedly, the petitioner cannot be given admission in medical course, as the academic year has now passed.

The decision of this Court in W.P.No.32681 of 2015, dated 25-01-2016, arose out of a case where the authentication by the Sports Development Authority of India was received on the 29th day of September, 2015, just a day prior to the date of closure of the admission. Nevertheless, the Certificate was authenticated. Therefore, the case of the petitioner in W.P.No.32681 of 2015 was one where a candidate was found eligible at the last minute, but could not secure admission due to the delay. Therefore, the test for determining whether the petitioner is entitled to compensation or not, is as to whether the petitioner is eligible to the Priority and Merit Order that she claims.

7. The learned Government Pleader produced a copy of the letter of the Fencing Association of India dated 26-9-2015.

In the said letter, the Fencing Association of India itself has analyzed the events in which the petitioner participated and came to the conclusion that she was eligible only as a participant in the national events, which would entitle her to the Priority cum Merit Order at 27/54. Therefore, in the light of the said statement, the very entitlement of the petitioner to be considered as a participant in an International event is in doubt. In such circumstances, no compensation can be granted to the petitioner on the presumption that she would fall in a higher order of merit under a higher Priority cum Merit Order. Therefore, the writ petition is

dismissed. The miscellaneous petitions, if any, pending in these writ petitions shall stand closed. No costs.

V.RAMASUBRAMANIAN, J.

ANIS, J.

21st July, 2016.
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AND
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W.P.No.35923 of 2015
(Order of the Division Bench
delivered by VRS, J.)

21st July, 2016.
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