

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 08.06.2017

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THE HONOURABLE MRS. JUSTICE PUSHPA SATHYANARAYANA

W.P. NO.12851 of 2017

&

W.M.P.No.13705 of 2017

S.Subisha

.. Petitioner

Vs.

1. The Director General of Health Services,
Government of India,
Nirman Bhavan, New Delhi-11.
2. The Selection Committee for MBBS/BDS,
Directorate of Medical Education,
Kilpauk, Chennai-10.
3. The Medical Council of India
rep. by its Secretary,
Pocket-14, Sector 8, Dwaraka Phase-1,
New Delhi-110 077.

.. Respondents

PRAYER : Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to consider the petitioner for admission to the MBBS/BDS Course for the academic year 2017-2018 under the ST Category.

For Petitioner : Mr.V.Vijay Shankar

For Respondents: Mr.V.Anandhamurthy, AGP for R1 and R2
Mr.V.P.Raman for R3

O R D E R

The Writ Petition has been filed seeking to issue a Writ of Mandamus, directing the respondents to consider the petitioner for admission to the MBBS/BDS Course for the academic year 2017-2018 under the ST Category.

2. The case of the petitioner is as follows:

(a) According to the petitioner, her family belongs to Konda Reddis Community, which is a Scheduled Tribe under the Constitution Scheduled Tribes Order, 1950. Her father was issued with a Community Certificate in the year 1984 and as such, she has been described as though she belongs to Konda Reddis Community in school records. While so, her father made an application in the year 2011 to the Revenue Divisional Officer, Mettur Dam, seeking issuance of Community Certificate for herself and her brother G.S.Praneeth. Since there was no response, her father, on behalf of the petitioner, has filed W.P.No.31880/2012 in which a direction was issued to the respondents to consider and dispose of the application for Community Certificate in the light of the guidelines of the Government. However, by Order dated 24.07.2013, the Revenue Divisional Officer rejected the application which necessitated her father to approach this Court by filing W.P.No.23385/2013. By final order dated 11.2.2014, this Court quashed the order passed by the Revenue Divisional Officer and directed him to reconsider the petitioner's application in the light of his relationship with Ms.Thara Shanmathi, D/o.C.Sanjeevi who has been issued with Community Certificate by the order of this Court. Apart from that, there were other documentary evidences to show that the petitioner's family belongs to the Konda Reddis Community.

(b) Without considering the above aspects, once again, the Revenue Divisional Officer, after a delay of nearly 2 years, rejected the petitioner's application for issuance of community certificate on flimsy and untenable grounds vide his order dated 22.02.2016 which made the petitioner to file W.P.No.8457/2016 before this Court and the same was disposed of directing the petitioner to file appeal and further directing the appellate authority to conduct elaborate enquiry and afford opportunity of hearing. The petitioner has accordingly filed an appeal on 06.08.2016 to the Collector, Salem District, enclosing copies of all the documents and the same is still pending.

(c) Meanwhile, the petitioner appeared for the Higher Secondary (Plus 2 Examination) in March, 2016 and applied for the professional courses under the impression that her case will be considered under the ST Category. The petitioner filed W.P.Nos.17763 and 17764/2016 before this Court. By an interim order dated 11.05.2016, this Court directed the respondents to process her application under the ST Category as her father had a valid community certificate issued in his favour. Further the petitioner has intended to join the professional course during the academic year 2017-2018. Therefore, the petitioner has submitted a representation on 13.05.2017 to the respondents 1

and 2 to consider her case under ST category. But, according to the petitioner, without a direction from this Court, her case will not be considered. Therefore, the present Writ Petition.

3. Heard the learned Counsel for the petitioner, the learned Additional Government Pleader appearing for the 1st respondent and the learned Counsel for the 3rd respondent.

4. At the outset, it is not in dispute that the father of the petitioner's family belongs to Konda Reddis Community which is a notified Scheduled Tribe. In this regard, a Community Certificate was issued by the Tasildhar, Mettur on 24.04.1984 on behalf of the petitioner's father. The said certificate is still in existence. Further, it appears that several of the petitioner's close relatives belong to Konda Reddis Community. In this regard, an affidavit dated 08.06.2017 has been filed by the petitioner's father, who is at present working as Inspector of Police, Karungalpalayam Police Station, Erode. In this affidavit, it is specifically averred that he was enlisted as Sub-Inspector of Police in March 1996 in the Tamil Nadu Government and he has completed more than 21 years of service and presently, he was working as Inspector of Police. He has specifically affirmed and reiterated that his community certificate, which was issued by the Thasildar, Mettur on 24.04.1984 is valid and subsisting and not cancelled. Under such circumstances, this Court is of the view that the petitioner Subisha is also entitled to be treated as though she belongs to the Konda Reddis Community.

5. Accordingly, the Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

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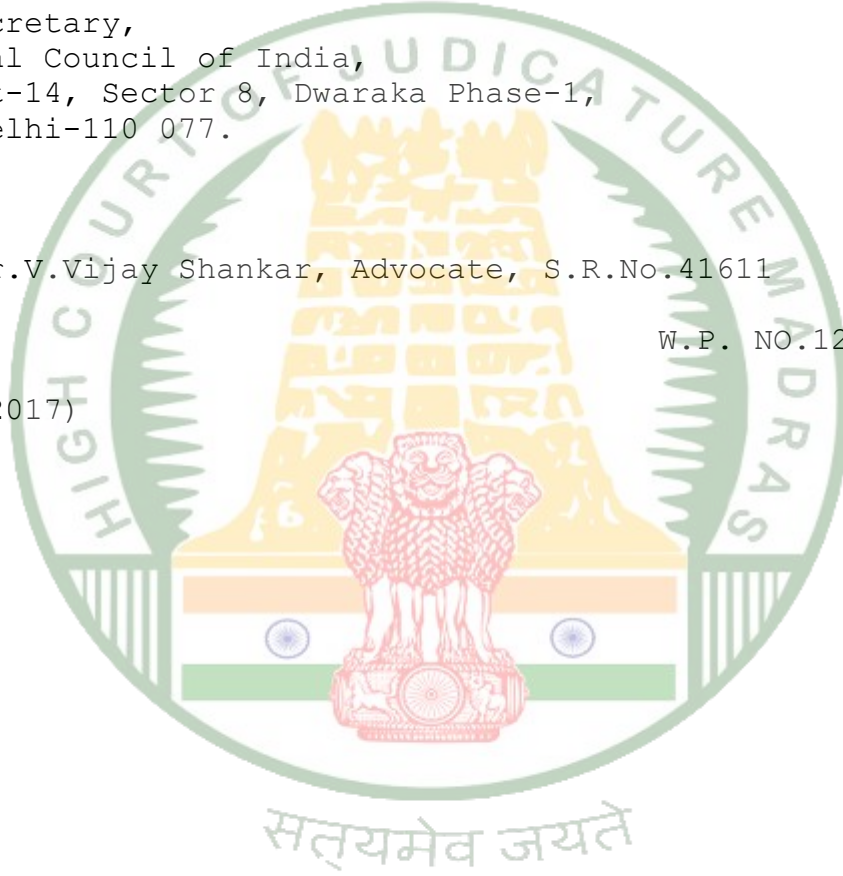
To

1. The Director General of Health Services,
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Nirman Bhavan, New Delhi-11.
2. The Selection Committee for MBBS/BDS,
Directorate of Medical Education,
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Pocket-14, Sector 8, Dwaraka Phase-1,
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+1cc to Mr.V.Vijay Shankar, Advocate, S.R.No.41611

W.P. NO.12851 of 2017

AD(CO)
RS(13/06/2017)



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