

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on 19.07.2017
Delivered on 03.08.2017

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

Writ Petition No.15010 of 2017
and
W.M.P.No.16248 of 2017

P.Sithra .. Petitioner
Vs.

1. Government of Puducherry,
represented by Secretary to Government,
Health Department, Chief Secretariat,
Puducherry.
2. The Director,
Directorate of Health and Family
Welfare Services,
Government of Puducherry,
Puducherry.
3. The Chairman,
CENTAC, Puducherry Engineering
College campus,
Thittai Chavadi,
Puducherry.
4. Mahatma Gandhi Post Graduate Institute
of Dental Sciences, rep. By
Correspondent, Gorimedu,
Puducherry.
5. T.Shilpa
Student, MDS (Prosthodontics)
C/o Mahatma Gandhi Post Graduate
Institute of Dental Sciences,
Gorimedu,
Puducherry.
6. India Gandhi Institute of Dental Science
(Deemed University), rep. By Correspondent,
Mahatma Gandhi Medical college campus,
Pillaiyarkuppam, Pondicherry - 607 403. ..Respondents

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the respondents 1 to 4 to admit the petitioner to the MDS course in the 4th respondent College by reserving one seat therein in favour of Scheduled Caste for the academic year 2017-18.

For Petitioner: Mr.P.V.S.Giridhar
for M/s.Giridhar & Sai.

For Respondents: Mr.C.T.Ramesh,
Addl.Govt.Pleader(Pondy) for R1 to R3
Mr.T.P.Manoharan, Senior Counsel
for Mr.K.P.Jotheeswaran for R5.
Mr.L.Swaminathan for R6

O R D E R

The petitioner seeks for a mandamus directing the respondents 1 to 4 to admit her to the MDS course in the 4th respondent College by reserving one seat therein under Scheduled Caste category for the academic year 2017-18.

2. The case of the petitioner is as follows:

i) The petitioner successfully completed her BDS course in November, 2006 and she is a native of Puducherry. She belongs to Scheduled Caste Community (Adi Dravida). She has registered herself before the Tamil Nadu Dental Council bearing registration No.10781 dated 29.02.2008. The petitioner wrote the National Eligibility-cum-Entrance Test (NEET) in November, 2016. She obtained 28th rank in Puducherry Union Territory and ranked 1st in the SC category in terms of the list published by CENTAC for 2017-18. She obtained 624.26 marks in NEET with an All India rank of 4791. The seats in MDS course should be filled up by the 3rd respondent in terms of the marks obtained in NEET. She submitted an application for admission to MDS course on 02.03.2017. By order dated 17.04.2017 issued by the 1st respondent, it was announced that 50% of the total seats shall be filled by the State Government and the remaining 50% of the seats shall be filled by the concerned medical colleges/Institutions. Accordingly, CENTAC (3rd respondent) has been entrusted with the work relating to filling up 50% of the seats in PG Medical/Dental Courses in Medical Colleges in Union Territory of Puducherry. Upon perusal of the seat matrix, it was found that in the 4th respondent College, out of 13 seats, 7 seats were provided in the Puducherry Government quota and 6 seats were allotted to All India quota. CENTAC issued counseling schedule as 02.05.2017 and stated that candidates should appear in person for verification of all original documents on 29.04.2017. On 29.04.2017, the seat-wise allocation was published on the CENTAC website for MDS course wherein it was

found that in the 4th respondent College one seat was reserved for Scheduled Caste in MDS (Prosthodontics). In the 6th respondent Institution which is a deemed University, 3 seats were reserved for Scheduled Castes. The petitioner prefers the 4th respondent college due to its good facilities, reputation and reasonable fees. The petitioner cannot afford high fees and other levies being charged by the 6th respondent college.

ii) The petitioner attended counseling on 02.05.2017 and was confident of securing a seat in the 4th respondent college under the SC quota. She attended 2nd counseling on 19.05.2017. However, the details of allotment in the 4th respondent college was later amended surreptitiously and the seat allotted for SC candidate in the original list was shown as reserved for freedom Fighter category. A case of horizontal reservation can never replace a scheduled Caste reservation seat which is the vertical reservation category. On 30.05.2017, a list of admitted candidates in the 4th respondent college was published in CENTAC. The petitioner was shocked to find out that she was not admitted, instead the 5th respondent was admitted. There is only one Government college in Puducherry, namely, 4th respondent which offers MDS course having an intake of 13 seats. Originally, 7 seats were allotted to Puducherry Government quota and 6 seats to the All India quota. Thereafter, seats unfilled in the All India quota were transferred to Government quota. Although initially one seat in the State Government quota out of 7 was originally allotted to NRI, due to non-availability of NRI candidate, the same was allotted to General quota. As such, a total of 9 seats were available in the Puducherry Government quota in the 4th respondent college. 16% reservation is provided for scheduled caste candidates in Puducherry and hence, two seats ought to have been reserved reserved for SC in the 13 seats available in the MDS course. Since 9 seats were allotted to the Puducherry Government quota, at least one seat ought to have been allotted to Schedule caste category and the petitioner being the top ranking scheduled caste candidate ought to have been admitted to the course. Hence, the present writ petition.

3. The 3rd respondent filed a counter affidavit wherein it is stated as follows:

The writ petition is devoid of merits, ill conceived and misconceived. The 3rd respondent is adopting the roster method for selection of candidates in terms of their reservation. As per the seat matrix, the 7th place in the roster falls for the category of Scheduled Caste candidates. Therefore, as per the roster, the 7th seat, 13th seat, 19th seat and 25th seat falls in the category of Scheduled Caste candidates. Therefore, the claim of the petitioner that in the category of Scheduled Caste candidates, she has secured the 1st mark is immaterial as she

falls only in the 7th category. There is only one Government Dental College available in the Union Territory of Puducherry. Hence, as per the Roster, the 1st six categories of candidates, namely, General 1, 2, 3, 4, 5 and MBC-1 are given preference while allotting seats. It is only after six categories of seats, the 7th category of Schedule Caste falls. Hence, the petitioner's grievance cannot be sustained. During the 2nd round of counseling held on 19.05.2017, it was specifically announced that if any eligible Schedule Caste candidate is present and interested in availing a seat in Self Financing College, such candidate can submit their option for allotment of seat accordingly. After this announcement, counseling commenced and as there was no eligible Scheduled Caste candidate claimed for the seat in Self Financing college, counseling was commenced for the remaining category. One reverted seat from all India quota to the State quota was filled during the 2nd round of counseling under the General Category. Subsequently, one vacancy arose as a result of one NRI seat being transferred to State quota which was also filled under the General Category during the 2nd round of counseling. All India quota seats which are reverted are treated only as General category only. Due to financial constraint of a candidate, the roster method cannot be altered or changed. If it is altered, it would cause chaos and confusion as the seat matrix will also get disturbed. It is only in the event of the petitioner possessed higher merit in the overall State list she could have secured a seat in the Government Dental College. During the previous years, the seats were allotted to the Government Dental College following the vertical reservation viz., General/MBC/OBC/SC. However from this year onwards since NEET is mandatory, it was decided to adopt roster system reservation.

4. The 5th respondent filed a counter affidavit wherein it is stated as follows:

The seat matrix finally made by the respondents 1 to 3 would clearly prove that all the contrary allegations made by the petitioner relating to reservation for Scheduled Caste are untrue, incorrect and misconceived. This respondent is not proper and necessary party to the writ petition. The candidates selected and admitted to the 4 seats reserved for Scheduled Caste category in the 6th and 4th respondent Institutions are proper and necessary parties to this writ petition and without impleading them, the seats reserved for Scheduled Caste category cannot be altered or modified as prayed for by the petitioner. Therefore, the writ petition is liable to be dismissed on this ground alone. There are 33 seats in the MDS Degree Course in the Union Territory of Puducherry. Out of the said 33 seats, 13 seats were allotted to the 4th respondent Institute and the remaining 20 seats were allotted to IGIDS and MIDS Institutes.

Out of the 13 seats allotted to the 4th respondent Institute, 6 seats were allotted to All India Quota. In the remaining 7 seats, one seat is reserved for NRI and if no NRI candidate is available, the said seat will be treated under General Quota and the other 6 seats were allotted to the Union Territory of Puducherry. Out of the total seats in the MDS Degree Course, only 4 seats can be allotted to SC Category. It appears that the petitioner has attended the counseling and not taken any of the 4 seats reserved for the SC Category in the IGIDS & MIDS Institutes and thus, lost the chance given to her. The "Seat Distribution for Various Categories in Dental Colleges" published by the 3rd respondent CENTAC on 01.05.2017, would show that out of the 5 seats reserved for General Category in the 4th respondent Institute, the CENTAC has made horizontal reservation of the one of the General Category seats to the Freedom Fighters Category. She is eligible for admission to the MDS Degree course in one of the General Quota seat horizontally reserved for the Freedom Fighters. She attended the PG Dental Counseling conducted on 02.05.2017 and opted for allotment of one seat horizontally reserved from the General Category to the Freedom Fighters in the 4th respondent Institute. In accordance with her rank, by Provisional Allotment dated 02.05.2017, the 3rd respondent CENTAC has allotted the said seat to her. The 4th respondent Institute has started classes for 1st Year MDS Degree Course on 01.06.2017 and she is attending classes from 10.06.2017 till this date i.e., for the past 1 ½ months.

5. Mr.P.V.S.Giridhar, learned counsel for the petitioner submitted as follows:

16% reservation is provided for Scheduled Caste. Therefore, one seat should have been reserved for Scheduled caste as per 200 point roster. Originally, the 3rd respondent allotted one seat for Scheduled Caste in the Government quota. Two days later, they altered the same to Freedom Fighter category. It is not explained as to how such change was made. Therefore, there is manipulation. Freedom Fighter category is a horizontal category whereas Scheduled Caste category is vertical category. Horizontal category person can never replace vertical category person. In the counseling, the petitioner was allotted to get admitted in deemed University which the petitioner refused. Once, the Schedule caste seat candidate moves to 2nd year that seat has to be filled up by Scheduled Caste candidate only. The petitioner stood 1st in the Scheduled Caste category in the list published by CENTAC. While originally, there were 6 seats of MDS in State quota in Government Dental College, 3 additional seats were added to the said quota. As such 9 seats were available. Therefore, the 7th seat, out of 9 seats ought to have been filled up by admitting the petitioner who is the top ranking Schedule Caste candidate. It is admitted that the 7th point in the roster

should be reserved for Scheduled Caste and that 9 seats were available in the Government Dental College. Hence, the petitioner should have been admitted in the 7th seat. Originally, the seat matrix dated 29.4.2017 was altered on 01.05.2017 only to transfer the seat reserved for Scheduled Caste candidate to the Freedom Fighter category. The alteration was procedurally flawed and grossly violated by law laid down by the Honourable Supreme Court. When the previous schedule caste candidate Dr.Sathyanarayanan was promoted to the 2nd year, the petitioner ought to have been admitted to the said seat in view of the law laid down in K.R.Sabharwal's case reported in AIR 1995 SC 1371.

6. In support of the above contentions, the learned counsel relied on the following decisions.

- i) MANU/TN/2072/2003 (B.Harsha vs. The Registrar Anna University)
- ii) JT 1995(5) SC 505 (Anil Kumar Gupta etc. v. State of U.P. And Ors.)
- iii) 2002 WLR 892 (M.Aarthi (Minor) etc. Ors. v. The State of Tamil Nadu and Ors.)
- iv) 1995(2) SCC 745 (R.K.Sabharwal & Ors v. State of Punjab and Ors)
- v) 2012 (7) SCC 389 (Asha v. PT.B.D.Sharma University of Health sciences)

7. The learned Government Pleader appearing for the Government of Puducherry after reiterating the contentions raised in the counter affidavit of the 3rd respondent, submitted further as follows:

The reservation is made by following the roster system. 13 seats are allotted to 4th respondent, one out of which, 6 seats were allotted to Puducherry Government quot. 1 seat is allotted to NRI and 6 seats are allotted to All India quota. The petitioner comes only in 7th point. Therefore, the seats reverted from NRI and All India quota can be treated as a General category and not otherwise. The petitioner has not challenged the seat matrix published on 1.5.2017 indicating the position in clear. Since the petitioner refused to join in the allotted college, viz., 6th respondent, the other schedule caste candidates were admitted in the 4th respondent college. Therefore, without impleading them as party respondents, the present position cannot be altered.

8. Mr.T.P.Manoharan, learned senior counsel appearing for the 5th respondent submitted as follows:

The 4th respondent is the only Government College. Total seats in MDS course for Union Territory of Puducherry are 33,

out of which 13 seats are allotted to the 4th respondent College. The remaining seats were allotted to private Deemed Universities. The 13th, 19th and 25th seats can be allotted to Schedule Caste. As the 4th respondent is having only 6 seats on their share, 7th seat shall be allotted only to private college. If any unfilled seats of NRI or All India quota are available, the same can be given to General Category only. The petitioner has not challenged the seat matrix at any point of time and therefore, she cannot seek for a mandamus as sought for in this writ petition. The 5th respondent joined the College on 01.06.2017 and is continuing the course as on today. The said Sathyanarayanan who was promoted to the 2nd year was admitted only in General category and therefore, the question of applying R.K.Agarwal's case does not arise. The Scheduled Caste candidates who got admitted in the 4th and 6th respondent Colleges were not impleaded as party respondents before this Court. Therefore, this writ petition is liable to be dismissed for non-joinder of necessary parties. The petitioner has not challenged the admission of the 5th respondent and therefore, she is totally an unnecessary party to the present litigation.

9. Heard both sides and perused the materials placed before this Court.

10. The point for consideration in this writ petition is as to whether the petitioner is entitled to get admission to MDS course in the 4th respondent College under the scheduled caste quota for the academic year 2017-18. The case of the respective parties and their contentions before this Court are extracted, elaborately, supra and therefore, they are not reiterated hereunder once again.

11. The crux of the contention of the petitioner is that in the 4th respondent Government College, one seat reserved for Scheduled caste candidate for Prosthodontics subject has been subsequently changed to General-Freedom Fighter category and therefore, by way of such change, the petitioner's opportunity to get selected and admitted in the 4th respondent college under Scheduled caste quota is defeated. The further contention of the petitioner is that such shifting of reservation is bad as the category to which such shifting took place belongs to horizontal reservation and therefore, the seat reserved for scheduled caste in vertical reservation can never be transferred to one of horizontal reservation.

12. On the other hand, it is contended by the contesting respondents that as per 200 point roster and as per the seat matrix, only the 7th place falls in the category of scheduled caste candidates and when the 4th respondent Government college was originally allotted with only 6 seats, all those 6 seats

were given to the candidates belonging to first 6 category of the roster namely, the General 1,2,3,4,5 and MBC-1. Thus, it is stated by the contesting respondents that the petitioner who falls in the 7th category of the schedule will have to be accommodated only in the self financing colleges, which the petitioner refused to accept. In respect of other three seats, later made available to the 4th respondent college, it is stated that out of those 3 seats, two are from All India quota and the remaining one is the NRI seat and thus, all those 3 seats were treated as General category and accordingly, the candidates belonging to such category were admitted in the 4th respondent college in those 3 seats.

13. First of all, it is to be noted that the petitioner herein seeks only for issuance of Mandamus to admit her in the 4th respondent college, that too, by reserving one seat for scheduled caste category. Thus, it is evident that the selection and admission of 5th respondent has not been challenged. No doubt for making such claim, the petitioner wants to rely upon the seat matrix position dated 29.04.2017 published in respect of the 4th respondent College. True that in the said seat matrix, one seat was shown to have been reserved for scheduled caste candidate in Prosthodontics subject. However, admittedly, on 01.05.2017, a final seat matrix for P.G. Dental course was published thereby indicating the seat distribution for various Dental Colleges, both Government and Private Institutions, at the Union Territory of Puducherry. It reads as follows:

COURSES	COLLEGE	CATEGORIES						
		GENERAL	OBC	MBC	SC	EBC	BCM	BT
Community Dentistry								
Conservative Dentistry	IGIDS	01						
	MIDS	01						
	MGPGIDS	01						
Oral Medicine	IGIDS	02						
	MGPGIDS			01				
Oral Pathology	IGIDS				01			
	MIDS	02						
	MGPGIDS	01	01					
Oral Surgery	IGIDS			01	01			
	MGPGIDS							
Orthodontics	IGIDS	02						
	MIDS	01						

COURSES	COLLEGE	CATEGORIES						
		GENERAL	OBC	MBC	SC	EBC	BCM	BT
Pedodontics	IGIDS			01				
	MIDS	01						
Periodontics	IGIDS				01			
	MIDS	01	01					
	MGPIDS	01						
Prosthodontics	IGIDS	01 (PH)		01				
	MIDS				01			
	MGPIDS	01 (FF)						
Total		16	02	04	04			

In the said final seat matrix, admittedly, no seat was reserved for Scheduled caste candidates in the 4th respondent Government college and on the other hand, all the 4 seats for scheduled caste candidates were allotted only to private colleges. To justify the said matrix position, the Government of Pondicherry relied on the 200 points roster method wherein admittedly 7th, 13th, 19th and 25th seats alone fall into the category of scheduled caste candidates. There is no dispute to the fact that the 4th respondent Government College was originally allotted only with 6 seats and accordingly those seats were allotted to first 5 General category candidates and the first MBC candidate as per the roster position. This is evident from the perusal of the communal seat allotment chart, called the seat matrix for PG Medical and PG Dental admission issued by the Government of Puducherry dated 28.04.2017, which is extracted as follows:

No.of seats	SC 16%	BT 1%	EBC 2%	MBC 18%	BCM 2%	OBC 11%	Category
1	0.16	0.01	0.02	0.18	0.02	0.11	GE1
2	0.32	0.02	0.04	0.36	0.04	0.22	GE2
3	0.48	0.03	0.06	0.54	0.06	0.33	GE3
4	0.64	0.04	0.08	0.72	0.08	0.44	GE4
5	0.8	0.05	0.1	0.9	0.1	0.55	GE5
6	0.96	0.06	0.12	1.08	0.12	0.66	MBC1
7	1.12	0.07	0.14	1.26	0.14	0.77	SC1
8	1.28	0.08	0.16	1.44	0.16	0.88	GE6
9	1.44	0.09	0.18	1.62	0.18	0.99	GE7
10	1.6	0.1	0.2	1.8	0.2	1.1	OBC1

No.of seats	SC 16%	BT 1%	EBC 2%	MBC 18%	BCM 2%	OBC 11%	Catego ry
11	1.76	0.11	0.22	1.98	0.22	1.21	GE8
12	1.92	0.12	0.24	2.16	0.24	1.32	MBC2
13	2.08	0.13	0.26	2.34	0.26	1.43	SC2
14	2.24	0.14	0.28	2.52	0.28	1.54	GE9
15	2.4	0.15	0.3	2.7	0.3	1.65	GE10
16	2.56	0.16	0.32	2.88	0.32	1.76	GE11
17	2.72	0.17	0.34	3.06	0.34	1.87	MBC3
18	2.88	0.18	0.36	3.24	0.36	1.98	GE12
19	3.04	0.19	0.38	3.42	0.38	2.09	SC3
20	3.2	0.2	0.4	3.6	0.4	2.2	OBC2
21	3.36	0.21	0.42	3.78	0.42	2.31	GE13
22	3.52	0.22	0.44	3.96	0.44	2.42	GE14
23	3.68	0.23	0.46	4.14	0.46	2.53	MBC4
24	3.84	0.24	0.48	4.32	0.48	2.64	GE15
25	4	0.25	0.5	4.5	0.5	2.75	SC4
26	4.16	0.26	0.52	4.68	0.52	2.86	GE16

Therefore, it is evident that the petitioner who belongs to scheduled caste category and holding first rank in that category would find a place only in the 7th position and therefore, when the 4th respondent college is allotted only 6 seats, she, being the 7th person, cannot be accommodated in the 4th respondent college and on the other hand, she has to be allotted only to the other private dental colleges. At this juncture, it is relevant and crucial to note that the petitioner has not challenged the final seat matrix position issued on 01.05.2017 nor she challenged the 200 points roster method adopted by the Government in allotting the seats. In fact, when the present writ petition itself was filed on 13.06.2017, the petitioner was very well aware that the seat matrix position as published on 01.05.2017 did not allot a seat for scheduled caste candidate at the 4th respondent college. Knowing fully well about the said position and not questioning such final seat matrix, the petitioner has chosen to file this writ petition only to seek for mandamus as stated supra, which, in my considered view, cannot be maintained. As rightly pointed out by the learned senior counsel appearing for the 5th respondent, the petitioner, though added the 5th respondent as a party respondent in this writ petition, has however, not chosen to challenge her admission into the 4th respondent college under the freedom fighter category. Even otherwise it is needless to

say that unless the petitioner has chosen to challenge the seat matrix position and the method of adopting the 200 points roster in admitting the candidates and succeed in such attempt, she is not entitled to question the selection of the 5th respondent when admittedly, the 5th respondent was selected to the category, to which, she belongs, namely, freedom fighter category.

14. No doubt, it is true that after filling up 6 seats in the 4th respondent College as stated supra, 3 more seats were further allotted to the said Institution. The 3rd respondent in the counter affidavit has specifically stated that all the 3 seats subsequently allotted to the 4th respondent college were treated as general category, since two of them were reverted from All India quota and one was transferred from NRI quota. Even this categorization of the reverted seats is not challenged. Thus, as those 3 seats have also fallen into the general category, the candidates belonging to such category alone could be accommodated and consequently, those 3 seats were also filled up from general category. The persons who got admitted under such reverted seats are not made as parties herein and the petitioner is not questioning their selection as well.

15. Further it is stated by the 3rd respondent in the counter that during the second round of counseling held on 19.05.2015, it was specifically announced that if any eligible scheduled caste candidate was present and interested in availing a seat in the self financing college, such candidates were called and required to submit their option for allotment of seat accordingly. It is further stated by the 3rd respondent that the candidates were informed that in the absence of eligible scheduled caste candidates willing to opt for the seat in the self financing college, such seat will be converted to general category. It is further stated that even after such announcement, there were no eligible scheduled caste candidates opted to take the seat in self financing college. The above statement made by the 3rd respondent is not disputed by the petitioner by filing a rejoinder. On the other hand, it is admitted that the petitioner was asked to join in either of the deemed Universities, which according to the petitioner, is not feasible due to financial constraint. Under such circumstances, it is stated that the four seats reserved for scheduled caste category were allotted to other candidates and those candidates have also joined in such Institutions. None of those candidates so admitted are made as parties in this writ petition. The petitioner has not chosen to question the selection of any of those candidates in the private institutions. Nor the petitioner has chosen to challenge the admission of the 5th respondent, who in fact got admitted in the freedom fighter category. On the

other hand, the petitioner wants only a mandamus seeking for admission to MDS course at the 4th respondent college in the schedule caste category. When the 4th respondent college, based on the total number of seats allotted to them, cannot admit the scheduled caste candidate as such candidate falls in the 7th position and when such 7th position as per roster would only go to the private colleges, as could be seen from the roster position, I do not think that the present prayer sought for by the petitioner can be granted since such relief, if granted, would certainly upset the very roster system followed in admitting the candidates. Undoubtedly as on date of filing the writ petition, the third parties interest as stated supra have accrued and therefore, this Court is not in a position to grant the relief to the petitioner, as any such accommodation, would go against the seat matrix position as well as the 200 point roster system adopted for admission. No doubt, the petitioner strongly relied on the seat matrix position released on 29.04.2017 in respect of the 4th respondent college indicating that one seat was allotted for scheduled caste candidate in Prosthodontics subject. I do not think that the petitioner is justified in relying on such seat matrix position, which, in my considered view, is not in consonance with 200 point roster distribution of seats. As already stated supra, when the 4th respondent college was originally allotted with 6 seats only and as per the roster system, the scheduled caste candidate is placed in the 7th position and such position will only be fit in a private colleges, allotting one seat for the scheduled caste candidate in the 4th respondent college as shown on 29.04.2017, cannot be a correct position and therefore, it is rightly rectified while announcing the final seat matrix position on 01.05.2017.

16. No doubt, the petitioner is not seeking for admission in the private medical college and therefore, she may say that she is not impleading those parties as respondents. But at the same time, when the seat matrix which is not put to challenge, indicates that all the 4 seats for Scheduled Castes are allotted to the private medical colleges, the petitioner without challenging the said seat matrix position and without challenging the selection of the 5th respondent, is not entitled to maintain the present writ petition with the present prayer as such. It is stated that the 4th respondent as well as the other candidates have already joined their respective Institutions and are pursuing their studies for the past two months. Therefore, this Court is not in a position to grant any relief to the petitioner, even by way of moulding the relief in any manner.

17. Learned counsel for the petitioner relied on an order passed in W.P.No.22205/2003 dated 10.12.2003 reported in MANU/TN/2072/2003 (B.Harsha vs. The Registrar Anna University).

Perusal of the said decision would indicate that the said writ petition was filed questioning the procedure adopted in the selection and admission to the seats earmarked under special category. Likewise, in the other decision relied on by the learned counsel for the petitioner reported in JT 1995(5) SC 505 (Anil Kumar Gupta etc. v. State of U.P. And Ors.) would also show that challenge made therein was against admissions made in a faulty manner against the procedure for reservation in that particular case. Likewise, the other decision reported in 2002 WLR 892 (M.Aarthi (Minor) etc. Ors. v. The State of Tamil Nadu and Ors.) also is in respect of a challenge made against the prospectus for admission in B.E/B.Tech./B.Arch. Courses, wherein a special resolution was made while applying the special reservation for candidates born on intercaste marriage. In AIR 1995 SC 1371 (R.K.Sabharwal and Ors. vs. State of Punjab and Ors.) relied on by the learned counsel for the petitioner, the challenge made by the petitioners therein was against the reservation policy. Likewise, the other decision relied on and reported in 2012 (7) SCC 389 (Asha v. PT.B.D.Sharma University of Health sciences) is also factually distinguishable since the petitioner therein seems to have challenged the selection of less meritorious candidates. Admittedly, in this case, the petitioner has not chosen to challenge anybody's selection nor she ventured to challenge the seat matrix position or the 200 point roster method adopted by the respondents for admitting the students. She only seeks for a Mandamus to admit her in the 4th respondent College. It is not her case that she was totally denied admission. On the other hand, it is an admitted fact that she was given admission in a private college, which, according to the petitioner, is not feasible, owing to her financial constraint. Based on such contention, I do not think that the petitioner can seek to upset the whole selection, more particularly, when she has not chosen to challenge any of such selection. Therefore, I find that the above decisions relied on by the learned counsel for the petitioner are not helping the case of the petitioner in any manner.

18. Considering all these facts and circumstances, I find no merits in this Writ Petition. Accordingly, the writ Petition fails and the same is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

vsi

To

1. The Secretary to Government,
Government of Puducherry,
Health Department, Chief Secretariat,
Puducherry.
 2. The Director,
Directorate of Health and Family Welfare Services,
Government of Puducherry, Puducherry.
 3. The Chairman,
CENTAC, Puducherry Engineering College campus,
Thittachavadi, Puducherry.
 4. The Correspondent,
Mahatma Gandhi Post Graduate Institute
of Dental Sciences,
Gorimedu, Puducherry.
 5. The Correspondent,
India Gandhi Institute of Dental Science
(Deemed University),
Mahatma Gandhi Medical College Campus,
Pillaiyarkuppam, Pondicherry - 607 403.
- + 1 cc to Mr.Giridhar & Sai, Advocate SR.55417
+ 1 cc to Mr.T.M. Naveen, Advocate SR.56098
+ 1 cc to Government Pleader Sr.56153

सत्यमेव जयते

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