

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.08.2017

CORAM

THE HONOURABLE MR.JUSTICE K. RAVICHANDRABAABU

W.P.No.19313 of 2017andW.M.P.No.20831 of 2017

Animilli Aparajith
3-4-081, Thiyagaraja Street,
Yanam,
Union Territory of Puducherry.

... Petitioner

vs.

1. Government of Puducherry,
rep. by Secretary to Government,
(Higher & Technical Education),
Chief Secretariat,
Puducherry.
2. Centralised admission Committee,
rep. by Convenor,
Government of Puducherry,
Pondicherry engineering College campus,
Puducherry - 605 014.
3. The Medical council of India
represented by its Secretary,
Sector VIII,
Dwaraga Phase II,
New Delhi 110 077

...Respondents

Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus to direct the respondents 1 to 3 to treat the petitioner's application for admission to 1st year MBBS course under Government Quota

through CENTAC for the year 2017-18 and her candidature for the same as under Puducherry Residence Quota on the basis of the petitioner's Residence Certificate dated 21.07.2017 and to grant her admission to the 1st Year MBBS Course in the Government Seat in accordance with her merit for the year 2017-2018 .

For Petitioner : Mr.M.Ravi
For Respondents : Mr.C.T.Ramesh,
Additional Government Pleader(P)
for R1 and R2
Mr.V.P.Raman,
Standing Counsel for R3.

ORDER

The prayer sought for in this writ petition is as follows:

To direct the respondents 1 to 3 to treat the petitioner's application for admission to 1st year MBBS course under Government Quota through CENTAC for the year 2017-18 and her candidature for the same as under Puducherry Residence Quota on the basis of the petitioner's Residence Certificate dated 21.07.2017 and to grant her admission to the 1st Year MBBS Course in the Government Seat in accordance with her merit for the year 2017-2018.

2. Heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing for the respondents 1 and 2 and the learned Standing counsel appearing for the 3rd respondent.

3. The petitioner belongs to Backward Class community. Claiming that

she is the resident of Puducherry Union Territory, she made a request for issuing the Residence Certificate as a proof for Puducherry Domicile Claim. When such request was not considered, she approached this Court by filing a writ petition in W.P.No.25885/2016 wherein an interim order came to be passed on 22.07.2016 directing the Deputy Tahsildar, Sub-Taluk Office, Yanam, Puducherry, to consider the application of the petitioner for issuance of nativity certificate. However, the request of the petitioner was rejected by the said official on 28.07.2016 and the said order was put to challenge before this Court in W.P.No.28608/2016. In the meantime, the petitioner applied for MBBS/BDS course by claiming under the General Category. However, on 08.06.2017, this Court passed a detailed order in W.P.No.28608/2016 specifically directing the Deputy Tasildar, Yanam, to issue the residence/ nativity certificate to the petitioner within a period of four weeks to enable the petitioner to secure admission for the first year MBBS course for the academic year 2017-2018. In compliance of the order, the Residence Certificate dated 21.07.2017 also came to be issued. However, the respondents are not considering the petitioner's application for admission to First year MBBS course under Government quota based on the said residence certificate dated 21.07.2017 and therefore, the petitioner has come before this Court and filed the present writ petition.

4. Upon hearing the learned counsel on either side and on perusal of the

order passed by this Court in W.P.No.28608 of 2016 dated 08.06.2017 and the consequential action of the said Revenue Official in issuing the residence certificate dated 21.07.2017 in compliance of the above said order passed by this Court, I do not think that there will be any impediment for the respondents 1 and 2 to consider the petitioner's case for admission into the First year MBBS course under Government quota for the academic year 2017-2018 by treating her as the residence of Puducherry, especially, when an order passed by this Court earlier in W.P.No.28608 of 2016 dated 08.06.2017 has specifically directed the issuance of residence/community certificate to enable the petitioner to secure admission for the academic year 2017-2018. It is stated that the said order has become final and conclusive and binding on the parties. Therefore, this writ petition is allowed and the respondents are directed to treat the petitioner's application for admission to the First year MBBS Course under the Government quota CENTAC 2017-2018 based on the petitioner's residence certificate dated 21.07.2017 in accordance with the merits in the NEET. No costs. Consequently connected miscellaneous petition is closed.

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Speaking/Non-speaking order
Index:Yes/No
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Note: Issue order copy on or before 29.08.2017

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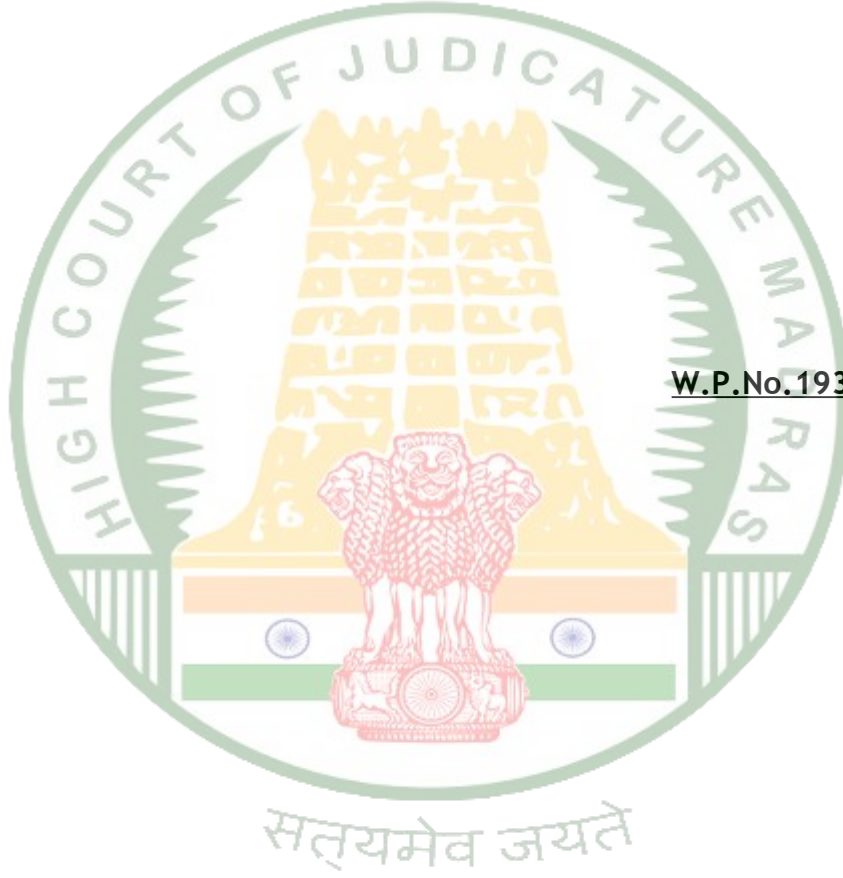
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