

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.11.2017

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

W.A.No.1226 of 2016
and

C.M.P.No.15816 & 15817 of 2016

1. The State of Tamil Nadu, rep. by its
Secretary to Government,
Higher Education Department,
Fort St. George, Chennai 600 009.
2. The Selection Committee,
Directorate of Medical Education,
Kilpauk, Chennai 600 010.
3. The Director,
Directorate of Medical Education,
Kilpauk, Chennai 600 010. ...Appellants 1,2 &4/Respondents

vs

1. M.Samyuktha (Minor) rep. by
her natural guardian and father
Mr.Manivannan
2. The Secretary,
Tamil Nadu Medical Admission-2016,
Anna University, Chennai 600 025.
3. The Registrar,
Anna University,
Anna University Campus,
Chennai 600 025.
4. The Medical Council of India
by its Secretary, Dwaraka Place,
New Delhi.
5. Mr.S.Chelladurai,
Chairman of Sports Board,
Convenor of Sports Committee of TNEA
Anna University, Chennai 600 025.

6. Ms.Ashwini Gandhi

Respondents

Prayer: Writ Appeal filed filed under Clause 15 of the Letters Patent against the order dated 22.9.2016 passed in W.P.No.21134 of 2016 on the file of this court. Petition under Article 226 of the constitution of India praying for the issuance of a writ of Mandamus directing the Respondents to grant Medical admission to the petitioner under Quota for Eminent Sports Persons in A.R.No.21178 with 790 Sports Marks.

For appellants: Mr.K.Venkataramani,
Additional Advocate General assisted by
Mr.P.S.Sivashanmugasundaram,
Special Government Pleader

For R1 : Mr.N.C.Ramesh, Senior Counsel for
Mr.C.V.Ramachandramurthy

For RR 2, 3 and 5 : Mr.Vijayakumar

For R4 : Mr.V.P.Raman

For R6 : Mr.Dhanachander Prakash

JUDGMENT

(Judgment of the court was made by HULUVADI G.RAMESH, J.)

Heard the learned Additional Advocate General appearing for the appellants and the learned counsel appearing for the respondents.

2. The writ appeal has been filed challenging the order passed by the learned Single Judge directing the appellants herein to allot a seat to the writ petitioner/first respondent herein in MBBS Course in a Government College under the sports quota.

3. The stand of the appellants in the writ appeal is that only three seats are reserved in MBBS course 2016-17 under the Eminent Sports Person category and initially she was placed in 7th rank with 700 marks, and the three candidates who had secured the marks of 980, 760 and 730 were already granted admission on 20.6.2016 itself and it was later found that the writ petitioner/first respondent herein had secured 760 marks, but, however, since the three seats which were earmarked for the quota had already been filled up, they were not able to grant admission to the writ petitioner/appellant and hence, the present writ appeal had been filed.

4. It appears that the candidate had applied for revaluation and in revaluation, it was found that she had secured 760, but, in the meantime, the three seats earmarked for the quota were filled up, however, pending writ appeal, the writ petitioner/first respondent was allotted a seat, subject to the result of the writ appeal.

5. Such being the factual position, it is submitted by the learned Additional Advocate General that so far as approval of the admission is concerned, the State is ready to condone such lapses provided if the admission is within the sanctioned limit and the Medical Council of India has no objection for the same.

6. In view of the above submission, we are of the view that the State should protect the interest of the candidates since it is not due to any mistake committed by the candidates. Accordingly, the writ appeal is disposed of. No costs. The connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS-VIII)

//True Copy//

Sub Assistant Registrar

ssk.

To:

1. The State of Tamil Nadu, rep. by its Secretary to Government, Higher Education Department, Fort St. George, Chennai 600 009.
2. The Selection Committee, Directorate of Medical Education, Kilpauk, Chennai 600 010.
3. The Director, Directorate of Medical Education, Kilpauk, Chennai 600 010.
4. The Secretary, Tamil Nadu Medical Admission-2016, Anna University, Chennai 600 025.
5. The Registrar, Anna University, Anna University Campus, Chennai 600 025.
6. The Medical Council of India by its Secretary, Dwaraka Place, New Delhi.

+ 1 cc to Mr.V.P. Raman, Advocate Sr.80636
+ 1 cc to Government Pleader Sr.87524

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VGI(CO)
EU(18/12/2017)