

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 26.10.2018

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.A.Nos.2174 & 2175 of 2018
and
C.M.P.Nos.16871 to 16874 of 2018

W.A.No.2174 of 2018

- 1 THE GOVERNMENT OF PUDUCHERRY
REP BY ITS CHIEF SECRETARY
CHIEF SECRETARIAT PUDUCHERRY.
- 2 THE SECRETARY
DEPARTMENT OF HIGHER EDUCATION
GOVERNMENT OF PUDUCHERRY
CHIEF SECRETARIAT PUDUCHERRY.
- 3 THE CONVENOR / CHAIRMAN
CENTRALIZED ADMISSION COMMITTEE
(CENTAC)
PONDICHERRY ENGINEERING COLLEGE,
PUDUCHERRY.Appellants

Versus

- 1 J.YUVARAJ
- 2 THE CHAIRMAN
SRI VENKATESWARA MEDICAL COLLEGE
HOSPITAL & RESEARCH CENTRE
ARIYUR PUDUCHERRY.
- 3 THE MEDICAL COUNCIL OF INDIA
REP BY THE SECRETARY
POCKET 14 SECTOR 8
DWARKA PHASE 01 NEW DELHI.Respondents

W.A.No.2175 of 2018

- 1 UNION OF INDIA
REP.BY THE SECRETARY TO GOVERNMENT
CHIEF SECRETARIAT PUDUCHERRY.

2 THE CONVENOR
CENTRALIZED ADMISSION COMMITTEE
(CENTAC)
PONDICHERRY ENGINEERING
COLLEGE CAMPUS PUDUCHERRY.

...Appellants

vs.

1 N.R. PRAHASH

2 SRI VENKATESWARA MEDICAL
COLLEGE HOSPITAL & RESEARCH CENTRE
(TELUGU MINORITY INSTITUTION)
ARIYUR PUDUCHERRY 605 102.

...Respondents

Prayer: Writ Appeals filed under Clause 15 of the Letters Patent against the order dated 24.8.2018 passed in W.M.P.Nos.20942 and 18839 of 2018 in W.P.Nos.17672 and 15839 of 2018 on the file of this court.

Prayer in WMP.No.20942 of 2018 in WP.17672 of 2018

To direct the 3rd respondent to keep one seat vacant in the 4th respondent institution under the government quota in pursuant to the directions of the Honourable Supreme Court in W.P (Civil) No.267/2017 pending disposal of the above writ petition (Civil) No.267 of 2017.

Prayer in WMP.No.18839 of 2018 in WP.15839 of 2018

To direct the second respondent to prepare a separate merit list under the category of Linguistic Minority for admission of MBBS Course for the academic year 2018-19 pending disposal of the writ petition.No.15839 of 2018 respectively.

Prayer in WP.17672 of 2018

Writ Petitions under Article 226 of the Constitution of India, to issue a writ of Mandamus to Directing the 3rd respondent to prepare a separate Minority (Linguistic) Merit List for the students seeking admission in the respective minority institutions in the order of merits for the State Quota as per the directions of the Honourable Supreme Court in W.P. (Civil) No.267/2017 thereby enabling the petitioner to get admitted in the 4th respondent institution for the MBBS course under Government Quota.

Prayer in WP.15839 of 2018

To directing the second respondent to consider petitioner under the Linguistic Minority quota for admission of MBBS Course for the academic year 2018-19 by allowing the petitioner to participate in the proposed counselling so as to enable the petitioner to join in the third respondents college.

For appellant : Mr.T.P.Manoharan, G.P.(Puducherry)

For R1 : Mr.B.Balavijayan

COMMON JUDGMENT

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

Heard the learned Government Pleader (Puducherry) appearing for the appellants and Mr.B.Balavijayan, learned counsel, who takes notice on behalf of the first respondent/writ petitioner.

2. As against the interim order passed by the learned Single Judge directing for admission of the students, the present appeals have been preferred by the Government of Puducherry.

3. The writ petitioners being successful candidates in the NEET examinations, the dispute revolves around the admission of the writ petitioners as to whether under the Government quota seats or under the seats reserved for Telugu Minority Category.

4. Such being the case, we find that the order passed by the learned Single Judge is only by way of interim relief to enable the students to join the course before the admission for the academic year gets completed. Further, we find that the learned Single Judge has kept it open for any points to be raised by the appellants in the main writ petitions by observing that the admission so granted will be subject to the outcome of the writ petitions. Therefore, we are of the view that the appellants, instead of harping on the issue by way of writ appeal, can very well address the same before the learned Single Judge in the main writ petitions.

5. In such view of the matter, these writ appeals are disposed of. No costs. The connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

ssk.

To:

- 1 The CHIEF SECRETARY
GOVERNMENT OF PUDUCHERRY
CHIEF SECRETARIAT PUDUCHERRY.
- 2 THE SECRETARY
DEPARTMENT OF HIGHER EDUCATION
GOVERNMENT OF PUDUCHERRY
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- 3 THE CONVENOR / CHAIRMAN
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THE MEDICAL COUNCIL OF INDIA
POCKET 14 SECTOR 8
DWARKA PHASE 01 NEW DELHI.
- 5 THE CHAIRMAN,
SRI VENKATESWARA MEDICAL
COLLEGE HOSPITAL & RESEARCH CENTRE
(TELUGU MINORITY INSTITUTION)
ARIYUR PUDUCHERRY 605 102.

+1cc to the Government Pleader
cum-Public Prosecutor, Puducherry, S.R.No.73615

W.A.Nos.2174 & 2175 of 2018

NMI (CO)
GSP (26/12/2018)

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