

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.09.2018

CORAM

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P.No.22420 of 2018

R.Jayakumar
Representing his Minor Daughter
J.Deekshanya

... Petitioner

Versus

1. Centralized Admission Committee (CENTAC)
Rep. by the Convenor,
Pondicherry Engineering College Campus
Puducherry - 605 014.
 2. The Government of Puducherry,
Rep. by the Chief Secretary,
Chief Secretariat,
Union Territory of Puducherry,
Puducherry.
 3. The Under Secretary to
Government (Education),
Government of Puducherry,
Puducherry.
 4. The Medical Council of India,
Rep. by Secretary,
Pocket -14, Sector-8, Dwarka Phase-1,
New Delhi - 110 077.
- ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus to direct the 1st respondent to allot one seat converted from Backward Tribe category to the petitioner daughter as per letter dated 21.08.2018 of the petitioner in accordance to the information brochure issued by the 1st respondent or under any other available category after de-reserve/un-reserve for the academic year 2018-19.

For Petitioner : Mr.P.Veeraraghavan
For Respondent : Mr.V.P.Raman, for R4

O R D E R

This writ petition has been filed for issuance of a Writ of Mandamus, directing the first respondent to allot one seat converted from Backward Tribe category to the petitioner daughter as per letter dated 21.08.2018 of the petitioner in accordance to the information brochure issued by the 1st respondent or under any other available Quota for the academic year 2018-19.

2. Heard both sides and perused the materials available on record.

3. The petitioner's daughter qualified in the Central Board of Secondary Education Senior School Certificate Examination conducted on 26.05.2018 and she is also qualified in NEET Exam by securing 256 marks out of 720. She applied for centralised counselling under the first respondent for admission into the MBBS professional course and applied through on-line on 10.06.2018. However, it is stated by the petitioner that inadvertently, he mentioned his daughter's community as OC instead of OBC.

4. It is stated that the petitioner's daughter's name was mentioned in the merit list published by the first respondent in the merit rank of 21 and she was placed in the General Category by mistake. It is stated that another candidate by name Janaranjanie, who scored only 254 marks in NEET exam was placed in 22nd rank as per the rank list published on 16.07.2018, and was allotted a seat in the provisional list published on 14.08.2018. The petitioner rushed to the first respondent seeking clarification as to why his daughter was not selected, who secured 256 in NEET exam, more than the said selected candidate, viz., Janaranjanie.

5. It is further stated that the petitioner's daughter was directed to appear for MOP UP round of counselling on 22.08.2018. Though the petitioner's daughter has given a representation to the first respondent on 21.08.2018, seeking to consider her under OBC category, there was no reply. Hence, the petitioner has come up with this Writ Petition.

6. The learned counsel appearing for the petitioner submitted that the first respondent has got power to up-date or correct any inadvertent error in the marks or other particulars entered by the candidates, based on records available with CENTAC.

7. The learned counsel for the petitioner relied upon Paragraph 22 of the information brochure issued by the first

respondent, wherein, it has been stated that if all the students of a specified category have been allotted and even thereafter, if seats remain vacant for that specified category the same may be unreserved. It is stated by the petitioner that there are seats available in other categories converted from Backward Tribe and that they can be allotted in favour of the petitioner's daughter.

8. The petitioner has filed this Writ Petition only on 29.08.2018 and the process of admission was started long back and crucial and important stages of admission, which are relevant to this case were over. Moreover, the representation of the petitioner itself was given only on 21.08.2018. The process of admission is almost over and entertaining this Writ Petition at this stage will lead only to confusion and serious prejudice would be caused to other students.

9. The learned counsel for the petitioner submitted that the process of admission is not yet over and seats are made available now by the order of the Medical Council of India and an opportunity may be given to the petitioner.

10. Though the Writ Petition is liable to be dismissed on the grounds of laches and un-explained delay, this Court is inclined to pass the following direction without expressing any opinion on merits:-

Respondents are directed to consider the representation of the petitioner dated 21.08.2018, in case no serious prejudice is likely to be caused to anyone, and pass appropriate orders on merits and in accordance with law, within a period of three weeks from the date of receipt of a copy of this order.

No costs. Consequently, connected miscellaneous petition is closed.

सत्यमेव जयते

Sd/-

Assistant Registrar (CS-IV)

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Sub Assistant Registrar

pvs

To

1. The Convenor,
Centralized Admission Committee (CENTAC)

Pondicherry Engineering College Campus
Puducherry - 605 014.

2. The Chief Secretary,
The Government of Puducherry,
Chief Secretariat,
Union Territory of Puducherry,
Puducherry.

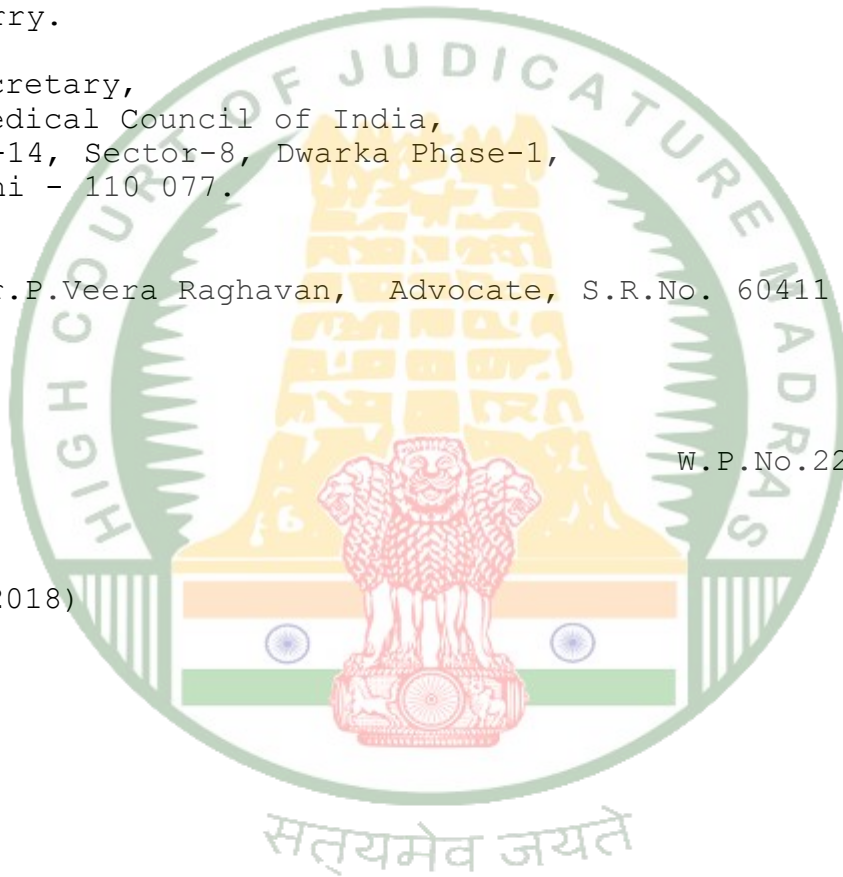
3. The Under Secretary to
Government (Education),
Government of Puducherry,
Puducherry.

4. The Secretary,
The Medical Council of India,
Pocket -14, Sector-8, Dwarka Phase-1,
New Delhi - 110 077.

+1cc to Mr.P.Veera Raghavan, Advocate, S.R.No. 60411

W.P.No.22420 of 2018

GN(12/09/2018)



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