

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.03.2018

CORAM

THE HONOURABLE MR. JUSTICE R.MAHADEVAN

W.P.No.24976 of 2017
and W.M.P.Nos.26354 & 26355 of 2017

M Dhashnu

... Petitioner

Vs

- 1.The Government of Pondicherry,
Rep. by its Chief Secretary,
Chief Secretariat, Pondicherry.
- 2.The Secretary,
Department of Higher Education,
Government of Pondicherry,
Chief Secretariat, Pondicherry.
- 3.The Convener/Chairman,
Centralized Admission Committee (CENTAC),
Pondicherry Engineering College,
Pondicherry.
- 4.The Chairman,
Sri Venkateshwara Medical College
Hospital and Research Center,
Pondicherry.
- 5.P Aravind
- 6.Medical Council of India,
Dwarka Phase-I,
New Delhi.

... Respondents

Prayer:Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the third respondent call back the admission given to the 5th respondent who was ranked 296 as the same been done in an arbitrary manner, and select the petitioner who ranks 294 in the merit list, thereby enabling the petitioner to get admitted in the 4th respondent institution for the MBBS course, under the general category, in the Government quota.

For Petitioner : Mr.B.Balavijayan
For RR1 to 3 : Mr.C.T.Ramesh, AGP
For R5 : M/s.N.Mala
For R6 : Mr.V.P.Raman

O R D E R

This writ petition has been filed for a Mandamus, directing the third respondent to call back the admission given to the 5th respondent, whose rank was 296 and select the petitioner, who was ranked as 294 in the merit list, so as to enable the petitioner to get admission in the 4th respondent institution for the MBBS course, under the general category, in the Government quota.

2.It is the case of the petitioner that she was ranked as 294 in the merit list for the MBBS Course, prepared by the third respondent. She was unable to get seat in the 1st and 2nd counselling. Subsequently, she was called for Mop up counselling on 28.08.2016. At that time, one seat was vacant under the General quota. Though the petitioner was present, she was not permitted to participate in the same on the ground that the said seat has already been allotted to a candidate, who is fifth respondent herein, whose rank was 296, i.e., below the rank of the petitioner. Hence, this writ petition.

3.Denying the allegations raised in this writ petition, the fifth respondent filed a counter affidavit, stating that he was the next candidate to the petitioner. According to him, he was officially called for Mop up counseling. Accordingly, he appeared and got admission. Subsequently, he joined in the fourth respondent college on 28.08.2017 and he successfully completed three internal assessment tests.

4.Heard the learned counsel appearing for the parties and perused the materials placed before this Court.

5.Admittedly, the fifth respondent, though ranked below the petitioner, has got admission and joined the MBBS course and completed three internal tests, whereas, there is no material available to prove that the petitioner has participated in the mop up counseling and also paid the counseling charges. In the absence of any documentary evidence, this Court is unable to accept the case projected by the petitioner in this writ petition. Hence, the petitioner is dis-entitled to get any relief in this writ petition.

6.In the result, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are also dismissed.

Sd/-
Deputy Registrar

/true copy/

Sub Asst. Registrar

kak/rk

To

- 1.The Chief Secretary,
The Government of Pondicherry,
Chief Secretariat, Pondicherry.
- 2.The Secretary, Department of Higher Education,
Government of Pondicherry,
Chief Secretariat, Pondicherry.
- 3.The Convener/Chairman,
Centralized Admission Committee (CENTAC),
Pondicherry Engineering College,
Pondicherry.
- 4.Medical Council of India,
Dwarka Phase-I,
New Delhi.

+ 1 cc to M/s.N.Mala Advocate, SR.19628

+ 1 cc to Mr.V.P.Raman Advocate, SR.19515

+ 1 cc to The Govt.Pleader, SR.19678

nr 11/04/2018

W.P.No.24976 of 2017

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