

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.05.2018

CORAM:

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.12281 of 2018
WMP Nos.14354 & 14355 of 2018

E.G.Ammu

...Petitioner

Vs.

1.Jawaharlal Institute of Post Graduate
Medical Education and Research(JIPMER),
rep. by its Director,
Pondicherry- 605 006.

2.The Dean(Academics),
Jawaharlal Institute of Post Graduate
Medical Education and Research(JIPMER),
III Floor, Academic Section,
JIPMER Academic Centre,
Dhanvanthri Nagar Post,
Pondicherry-605 006.

....Respondents

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of declaration to declare the date of restraint imposed in Serial No.6(ii) of the Prospectus/Admission Notice issued for MBBS Course admission 2018-2019 by the respondents as ''31st December 2018'' as null and void and unconstitutional and to account the same as the last working day of the academic year of admission to the MBBS Course of the relevant year as far as the petitioner is concerned and consequently direct the second respondent herein to permit the petitioner to get enrolled and appear for the National Eligibility Cum Entrance Test(Session 2018-2019).

For Petitioner : Mr.P.G.Thiyagu
For Respondents: Mr.M.T.Arunan

O R D E R

The relief sought for in this writ petition is to declare the date of restraint imposed in Serial No.6(ii) of the Prospectus /Admission notice issued for MBBS Course admission 2018-2019 by the respondents ''as 31th December 2018'' as null

and void and unconstitutional and to account the same at the last working day of the academic year of admission to the MBBS Course of the relevant year as far as the petitioner is concerned and consequently, direct the second respondent herein to permit the petitioner to get enrolled and appear for the National Eligibility Cum Entrance Test(Session 2018-2019).

2. The learned counsel appearing on behalf of the writ petitioner strenuously contended that the last date for submission of applications prescribed is illogical and there is no nexus for fixing such a date suggestively. The learned counsel states that the last day of the commencement of the academic year must be a relevant date for the purpose of receiving the on-line applications. In this regard, the learned counsel for the petitioner has cited the illustration narrated in Paragraph no.10 of the affidavit filed in support of the present writ petition, which is extracted hereunder:

"Let us presume that child 'A' was born on 31.12.2001, she will get her age 17 be completed on 31.12.2018 and she will complete her 12th standard by April 2018 and will be eligible to get admission for 2018-2019 Academic year. She gets eligible to apply for entrance exam to be conducted by the respondents. Since the criteria of the date on the basis of Calendar year has been imposed. If a child, 'B' born on the next day, i.e., on 01.01.2002, will get her 17 years completed on 01.01.2019, and she will complete her 12th standard and be qualified equally with child 'A', but she will not be eligible to apply for the entrance examination. Since, the Notification postulates a date on the basis of academic year not the calendar year. Even though by the same academic year, at its end, both children are become eligible to pursue higher education, one child becomes eligible and other one become ineligible. As such the inequality arises thereon and it needs to be addressed. Hence, the present plea of declaration with a specific and point centered upon the fixation of 31st December, 2018 by the respondents in lines of the instruction for admission was put under challenge to meet the ends of justice. Further to read and effect the same as the end of relevant academic year as such imposition on the basis of calendar year cause inequality and infirmity on the equal choice of applying for entrance examination, put a section of students in a disadvantageous position.

3. The learned counsel for the petitioner apart from this proceeded by stating that because of such illogical cut-of date

fixed for submission of applications, the petitioner has lost her opportunity to participate in the entrance examination.

4. The learned counsel for the respondents has brought to the notice of this Court that the last date for receiving on-line registration was 13.04.2018 and the registration had already been closed. Thus, the case of the writ petitioners cannot be considered.

5. In view of the above, this Court is of an opinion that the fixation of a last date or a cut-off date is an administrative prerogative of the authorities concerned. Simply because the petitioner is unable to become eligible to appear in the entrance examination, the date fixed by the competent authorities cannot be violated nor the Court can issue a direction to grant an exemption from such instructions or rules issued and in force.

6. It is needless to state that the rules and the instructions issued in the Prospectus are to be followed and implemented strictly and scrupulously. There cannot be any violation in respect of the date fixed and published in the Prospectus. All concerned are bound by the Prospectus including the petitioner. These being the principles to be followed, the writ petitioner has not established any prima facie case for the purpose of entertaining the present writ petition. However, it is made clear that the writ petitioner is at liberty to participate in further examination if any notified by the respondents.

7. With the above observations, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

s/d-

Assistant Registrar (CS VI)

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Sub-Assistant Registrar

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To

1. The Director,
Jawaharlal Institute of Post Graduate
Medical Education and Research (JIPMER),
Pondicherry- 605 006.

2.The Dean(Academics),
Jawaharlal Institute of Post Graduate
Medical Education and Research(JIPMER),
III Floor, Academic Section,
JIPMER Academic Centre,
Dhanvanthri Nagar Post,
Pondicherry-605 006.

+2 Ccs to Mr.P.G. Thiyagu, Advocate sr 33583.

W.P.No.12281 of 2018

SP(07/06/2018)



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