

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.07.2018

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.15762 of 2018
and
W.M.P.No.18712 of 2018

G.Sree Nandhini,
Minor Rep. by her father
Next Friend and Natural Guardian P.Gandhi .. Petitioner

Vs.

1. The Union of India,
Rep. by the Secretary,
Ministry of Health and Family Welfare,
New Delhi.
2. The Secretary,
Medical Council of India,
Sector-VIII, New Delhi
3. The Union of India,
Rep. by its Secretary (Health),
Government of Puducherry,
O/o Secretariat Building,
Goubert Avenue, Puducherry-605 001.
4. The Director,
Jawaharlal Institute of Post Graduate Medical Education
and Research (JIPMER),
Dhananthri Nagar, Puducherry.
5. The Dean,
Jawaharlal Institute of Post Graduate Medical Education
and Research (JIPMER),
Dhananthri Nagar, Puducherry. .. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the respondents to consider the petitioner's representation, dated 19.06.2018 and allot a seat for MBBS course for 2018-2019

session under Freedom Fighter Quota in the institution of 4th and 5th respondents by adjusting the unreserved seats allotted to the Pondicherry residencies.

For petitioner : Mr.V.V.Sairam

For respondents : Mr.G.Karthikeyan,
Assistant Solicitor General for R-1
Mr.V.P.Raman for R-2
Mr.C.T.Ramesh, Addl.G.P.
(Pondicherry) for R-3
Mr.M.T.Arunan for RR-4 and 5

ORDER

The petitioner has come forward with the above Writ Petition praying for issuance of a Writ of Mandamus to direct the respondents to consider the petitioner's representation, dated 19.06.2018 and allot a seat for MBBS course for 2018-2019 session under Freedom Fighter Quota in the institution of fourth and fifth respondents by adjusting the unreserved seats allotted to the Pondicherry residencies.

2. When the matter is taken up for hearing, learned counsel for the respondents 4 and 5 drew the attention of this Court in G.O.Ms.No.36, Chief Secretariat (Education), dated 31.07.1997 with regard to admission in the academic institutions in Pondicherry for freedom fighters, meant for only admissions in the Puducherry Government Institutions and it is not applicable to Central Government Organisations like JIPMER situated in Puducherry.

3. The said G.O. is specific and the said G.O. has not been superseded. It stood the test of time for more than two decades. Unless and otherwise there is similar provision for freedom fighter's relatives to be considered for admission in JIPMER, the petitioner, cannot as a matter of right, demand that the benefits of the G.O. shall be extended to the JIPMER also.

4. In view of the above G.O., the petitioner is not entitled for the relief sought for in this Writ Petition. Even though the petitioner has sought for an order to be passed on the representation, no such order needs to be passed, as the said G.O. is clear. Even if the representation as sought for by the petitioner is directed to be disposed of, it will be one

more round of litigation, which will not be useful to anyone much less the petitioner.

5. With the above observations, the Writ Petition is dismissed. No costs. Consequently, W.M.P. is closed.

Sd/-

Assistant Registrar (CS-VII)

// True Copy//

Sub Assistant Registrar

To

The Secretary (Health),
Union of India,
Government of Puducherry,
O/o Secretariat Building,
Goubert Avenue, Puducherry-605 001.

+1cc to Mr.V.V.SAIRAM, Advocate SR.No.49261

+1cc to Mr.G.KARTHIKEYAN, Assistant Solicitor General
SR.No.50227

+1cc to Mr.V.P.RAMAN, Advocate SR.No.49698

+1cc to Government Pleader SR.No.49649

+2cc to Mr.M.T.ARUNAN, Advocate SR.No.49188

W.P.No.15762 of 2018

NRJK (CO)
SMI/14.08.2018

सत्यमेव जयते

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