

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.06.2018

CORAM:

THE HONOURABLE MR. JUSTICE S.VAIDYANATHAN

WRIT PETITION No.16148 of 2018

Minor Mothi Aniroudh
rep. by his Mother and Guardian,
P.Jeya Sharmila

... Petitioner

vs.

1. The State of Tamil Nadu,
rep. by its Secretary,
Ministry of Health and Family Welfare,
Secretariat, Chennai 600 009.
2. The Special Secretary to Government,
Public (Ex-servicemen) Department and
Ex-Officio Director,
Directorate of Ex-Servicemen's Welfare,
22, Raja Muthiah Salai, Choolai,
Chennai 600 003.
3. The Secretary,
The Selection Committee,
Office of the Director of Medical Education,
Kilpauk, Chennai 600 010.
4. Medical Council of India,
rep. by Secretary,
Dwaraka Phase, New Delhi.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus directing the Respondents 1 and 3 to conduct counselling for special category as mentioned in clause 36 of the Prospectus issued by the 3rd Respondent for the MBBS/BDS Admission 2018-2019 by following Priority basis and by strictly adhering the order passed in F.No.6(1)/2017/D (Res.II), dated 21.05.2018 by the Department of Ex-Servicemen Welfare, Union Ministry of Defence and admit the Petitioner Mothi Aniroudh R, on the basis of NEET marks scored by the Petitioner for the first year M.B.B.S. without any discrimination for the academic year 2018-2019.

For Petitioner : Ms.S.Kala

For Respondents 1 to 3 : Mr.T.N.Rajagopalan,
Government Pleader
assisted by
Mr.A.Rajaperumal,
Addl. Government Pleader

For 4th Respondent : Mr.V.P.Raman

O R D E R

Petitioner has come up with the present Writ Petition seeking a direction to the Respondents 1 and 3 to conduct counselling for special category as mentioned in clause 36 of the Prospectus issued by the 3rd Respondent for the MBBS/BDS Admission 2018-2019 by following Priority basis and by strictly adhering to the order dated 21.05.2018 passed in F.No.6(1)/2017/D (Res.II), by the Department of Ex-Servicemen Welfare, Union Ministry of Defence and admit her son, Mothi Aniroudh R, on the basis of NEET marks scored by him for the first year M.B.B.S. without any discrimination for the academic year 2018-2019.

2. According to the Petitioner, she is working as a Tahsildar in Madurai and that her husband died on 05.01.2004, while he was working as a Havildar in Defence at Ladak, when their son was only 3 years old. She further submitted that her son, viz. Mothi Aniroudh scored 159 marks in NEET (UG) - 2018 with 62.509873 percentile. After the publication of results, the Petitioner's son applied for MBBS under special category vide Clause 36 of the Prospectus. As per clause 36(a) of the Prospectus, 10 seats of MBBS and 1 seat of BDS are reserved for the children of Ex-servicemen, but the priority is not mentioned.

3. It is the case of the Petitioner that the Department of Ex-Servicemen Welfare has revised the order of priorities for reservation of preferences to the wards of Ex-Servicemen for admission in Medical/Professional/Non-Professional courses and that since her husband died while he was in service, her son comes under Priority III as defined by the competent authority. According to the Petitioner, Respondents 1 and 3 failed to follow the priority while allotting seat under the special category in the last year. The 3rd Respondent prepared a merit list of special category for the Ex-servicemen on the basis of NEET score, ignoring the priority as mandated by the competent authority. On the basis of the merit list, the Petitioner's son is eligible for counselling on 01.07.2018. It is her grievance that if the counselling is completed without following the

priority in the special category, then her son will lose his seat. Hence, left with no other alternative remedy, the Petitioner is before this Court.

4. Though no counter is filed by Respondents 1 to 3, learned Government Pleader appearing on their behalf, citing the Government Order in G.O.(D) No.977, dated 01.06.2018 submitted that the said Government Order is almost similar to the communication dated 21.05.2018 of the Ministry of Defence. According to him, if the Petitioner's son being the ward of an Ex-Serviceman, comes under Priority III, then his case would be considered according to the priority in which he falls.

5. Learned Government Pleader further submitted that all the details of the wards/students of Ex-servicemen will be collected and their applications will be forwarded to the Committee consisting of Defence personnel, who will scrutinize and submit the details to the Selecting Agency and that they will consider the case of the Petitioner's son on merits and in accordance with law.

6. Thus, in view of the Government Order vide G.O.(D) No.977 and taking into account the submissions made by the learned Government Pleader, this Court finds that the rights of the Petitioner's son are protected and that his case would be considered for admission by the Respondents, if he is otherwise found eligible.

The Writ Petition is disposed of with the above observation. No costs. Consequently, connected W.M.P.Nos.19204 and 19205 of 2018 are closed.

s/d-
Assistant Registrar(CS VIII)

True Copy

Sub-Assistant Registrar

(aeb)

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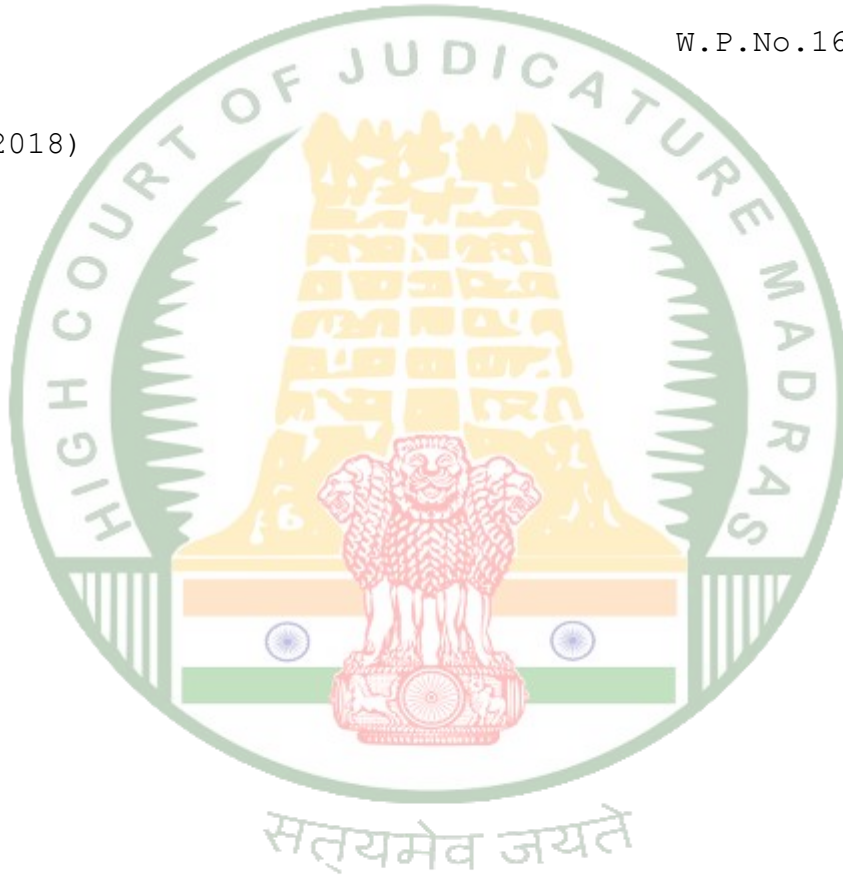
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+1 CC to Ms.S. Kala, Advocate sr 41784.
+1 CC to Govt. Pleader sr 42363

W.P.No.16148 of 2018

NA(CO)
SP(04/07/2018)



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