

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.09.2018

CORAM

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P.No.17381 of 2018
and WMP.Nos.20637 & 20638 of 2018

E.Nagalakshmi
Rep. by her father and
natural guardian Ezhumalai

... Petitioner

Versus

1. The Secretary to Government for Education,
Chief Secretariat, Puducherry.
2. The Convener,
Centralised Admission Committee (CENTAC),
Pondicherry Engineering College Campus,
Kalapet, Puducherry.
3. The Director,
Adi Dravidar Welfare Department,
Puducherry.
4. The Medical Council of India,
Rep. by its Secretary,
Pocket-14, Sector-8, Dwarka Phase-I,
New Delhi.

सत्यमेव जयते ... 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 respondents to give admission to the petitioner for the First year of B.Sc.(Nursing) Course for the academic year 2018-19 under the Scheduled Tribe quota.

For Petitioner : Mr.V.Ajayakumar

For Respondents: Mr.M.Nambiselvam,
AGP, for RR1 to 3
Mr.V.P.Raman, for R4

O R D E R

The Writ Petition is filed for issuance of a Writ of Mandamus to direct the respondents to give admission to the petitioner for the first year B.Sc.(Nursing) Course for the academic year 2018-19 under the Scheduled Tribe Quota.

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

3. The petitioner states that she belongs to Scheduled Tribe category of Union Territory of Puducherry and she passed her Higher Secondary Examination in May 2018. It is the case of the petitioner that she submitted an application for B.Sc.(Nursing) Course before the second respondent. It is contended that the reservation for Scheduled Tribe was recognised in the Union Territory of Puducherry as per the Presidential Order and that the respondents ought to have reserved 7.5% to Scheduled Tribe candidates in Education and Employment opportunities. However, admission was denied on the ground that no seats were allotted for Scheduled Tribe candidates. Therefore, the petitioner has come forward with this Writ Petition.

4. The grievance of the petitioner is that though the petitioner belongs to Scheduled Tribe and community certificate has also been issued to the petitioner to that effect and the same was also enclosed along with the application, she was denied the benefit of reservation on the ground that there is no presidential order under Article 342 (1) of the Constitution of India and all the benefits were extended only to the Scheduled Caste of Puducherry.

5. It is further stated that there is a wrong conclusion that there is no Scheduled Tribe in Puducherry and that the Scheduled Tribe Population who have migrated from other places were recognised as per the Presidential Order.

6. The learned counsel appearing for the petitioner produced a notification of Presidential Order, viz., Constitution (Puducherry) Scheduled Tribes Order 2016, by which, the petitioner's community "Irular" has been brought under the Schedule. As per the Presidential Order dated 22.12.2016, the "Irular" community be deemed to be under Scheduled Tribes in relation to the Union Territory of Puducherry.

7. It is further stated that the Presidential Order has been implemented by the Union Territory of Puducherry, which is also evident from the subsequent notification dated 10.01.2017 and the Presidential Order was published in the Gazette of

Puducherry. The Adi Dravidar Welfare Department of Puducherry Government has also given instruction to the competent authority to verify and issue Scheduled Tribe certificate and implement the reservation policy in Education, recruitment and promotion and other welfare schemes to the eligible candidates.

8. Though the Government has not taken any decision so far as to the quantum of reservation for Scheduled Tribe Community, the fact that the Scheduled Tribe in Puducherry is entitled to get reservation as per the Presidential Order is not in dispute. The petitioner being the lone candidate cannot be denied the benefit of reservation of Scheduled Tribe for this year.

9. In such circumstances, this Court is inclined to say that the petitioner is entitled to succeed in this Writ Petition.

10. This Court by its earlier order dated 16.08.2018 has already directed the second respondent to keep one seat vacant. In such circumstances, a direction is issued to the second respondent to give admission to the petitioner for the post of B.Sc. (Nursing) course for the academic year 2018-19 under the Scheduled Tribe Quota, within a period of one week from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

pvs

To

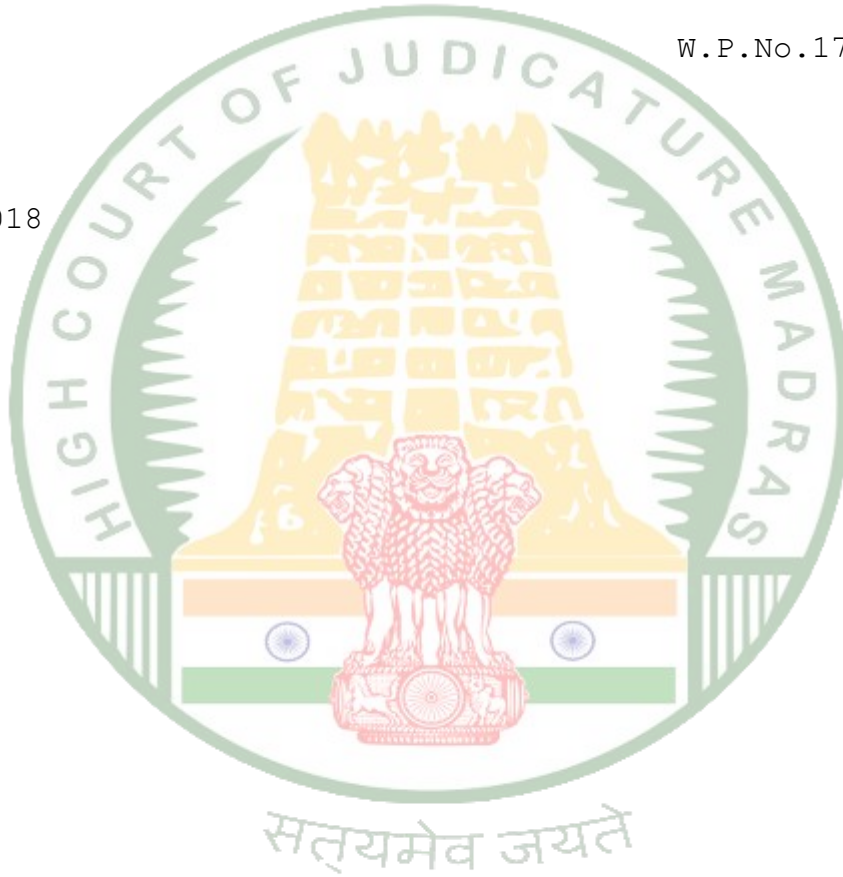
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New Delhi.

+1cc to M/S.V.Ajaykumar, Advocate Sr.60952
+1cc to MS.V.P.Raman, Advocate Sr.61015
+1cc to the Government Pleader(Pondicherry) Sr.60958

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