

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 15.11.2018
Coram

The Hon'ble Mr.Justice T.Raja

Writ Petition No.30267 of 2018
and
W.M.P.No.35325 of 2018

Miss. Fouziya . A

...Petitioner

Vs.

1. The State of Tamil Nadu,
rep. by its Principal Secretary,
Department of Health and Family Welfare,
Fort St.George, Chennai - 600 009.
2. The Director of Indian Medicine and Homeopathy,
A.A.G.H.I.M. Campus,
Chennai - 106.
3. The Secretary,
Selection Committee,
Director of Indian Medicine and Homeopathy,
A.A.G.H.I.M. Campus,
Chennai - 106.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus directing the respondents 2 and 3 to consider the petitioner's representation dated 15.10.2018, to permit the petitioner to sit for the 10th Standard Level Urdu Language Examination to be conducted by the Selection Committee by next week, pursuant to her BUMS Application No.5884 (for academic year 2018-19) positively and affirmatively.

For Petitioner : Mr.Haja Mohideen Gisthi

For Respondents : Mr.A.Kumar
Additional Advocate General
assisted by Mrs.P.Rajalakshmi
Additional Government Pleader

O R D E R

Heard, Mr.Haja Mohideen Gisthi, learned counsel appearing for the petitioner and Mr.A.Kumar, learned Additional Advocate General assisted by Mrs.P.Rajalakshmi, learned

Additional Government Pleader, who accepts notice on behalf of the respondents. On consent of the learned counsel on either side, this Writ Petition is taken up for disposal at the stage of admission.

2. The petitioner, in this Writ Petition seeks for a mandamus directing the respondents 2 and 3 to consider her representation dated 15.10.2018, to permit her to appear for X Standard Level Urdu Language Examination to be conducted by the Selection Committee by next week, pursuant to her BUMS Application No.5884 for the academic year 2018-19.

3. Mr.Haja Mohideen Gisthi, the learned counsel appearing for the petitioner submitted that the petitioner is a brilliant student passed her 10th Standard with distinction securing 492 marks out of 500. She again proved her intelligence by securing 1101 out of 1200 in +2 Examination held by the State Board of School Examination of Tamil Nadu in March, 2018. She also, at her leisure, underwent private courses in Arabic, Urdu and Hindi out of her own interest. Since the petitioner has evinced interest in pursuing such courses, the teachers also took so much of care in enabling her to study such courses. It is pertinent to mention here that since the petitioner has secured 492 out of 500 in 10th Standard, she was also invited to continue her +2 course in the same School by granting exemption from paying necessary tuition fee. This per se shows that the petitioner is an exemplary student. Whiles, when the Government of Tamil Nadu offered for BUMS Course in Government Unani Medical College, Arumbakkam, Chennai, she applied for the said Course under BC Muslim Quota, for which purpose, she filled up the application enclosing all necessary certificates, as required by the College prospectus and also paid requisite fee. As ill-luck would have it, while filling up the application, insofar as the option to the Question No.16 (b) is concerned, 'viz., 'Are you willing to take 10 Standard Level Urdu Language Examination to be conducted by the Selection Committee'', instead of answering in the affirmative, she inadvertently opted for 'No' without realizing the implication it involves. In fact, the petitioner has filled up the application with the assistance of some elderly person. In view of the said mistake, she has not been considered to undergo BUMS Course. However, without writing the Urdu Eligibility Test (UET) she is also eligible to get admission in Sidha, Ayurvedha, Yoga, Naturopathy, Homoeopathy. But the petitioner wants to pursue Unani. Adding further, learned counsel appearing for the petitioner submitted that, in similar circumstances, one of the students, who has secured less marks in UET conducted on 05.10.2018 was given a chance to write the same on 14.11.2018 (yesterday). Since the petitioner also secured meritorious marks, similar benefit may be extended to her as well.

3. Learned Additional Advocate General for the respondents submitted that UET was held on 05.10.2018, wherein, 27 students appeared out of which, 25 were found eligible and were declared pass. However, one of the candidates, who took part in the examination held on 05.10.2018, having secured less marks, i.e.50%, as per Rules, she was given one more chance on 14.11.2018. But, so far as the petitioner's case is concerned her application itself has not been processed for the fault attributable to her part. Besides, she failed to make any such attempt to write the UET examination held on 05.10.2018, irrespective of the fact that the application was not in order. Therefore, he submits that it is difficult to consider the prayer of the petitioner.

4. Heard, the learned counsel appearing for both sides.

5. Considering the aforesaid facts and the submissions made, especially, the submission made that even as of today, the petitioner is eligible to seek admission in Sidha, Ayurvedha, Yoga, Naturopathy and Homoeopathy without even taking part in UET held on 05.10.2018, and subsequently held for another student on 14.11.2018, and taking note of the interest shown by the petitioner that she wanted to become a Doctor in Unani and she has also secured highest score in 10th Standard, 492 out of 500 and repeated the same good performance in +2 Examination by scoring 1101 out of 1200, this Court directs the respondents to conduct a special Urdu Eligibility Test on 19.11.2018 or any other day enabling the petitioner to take part in the special test. It is needless to mention that, if the petitioner is able to secure the required marks, she may be considered for the BUMS Course, which she aimed for. No costs. Consequently, connected Writ Miscellaneous Petition is closed.

-s/d-

Assistant Registrar(CS-IX)

True Copy

Sub-Assistant Registrar

sd

To

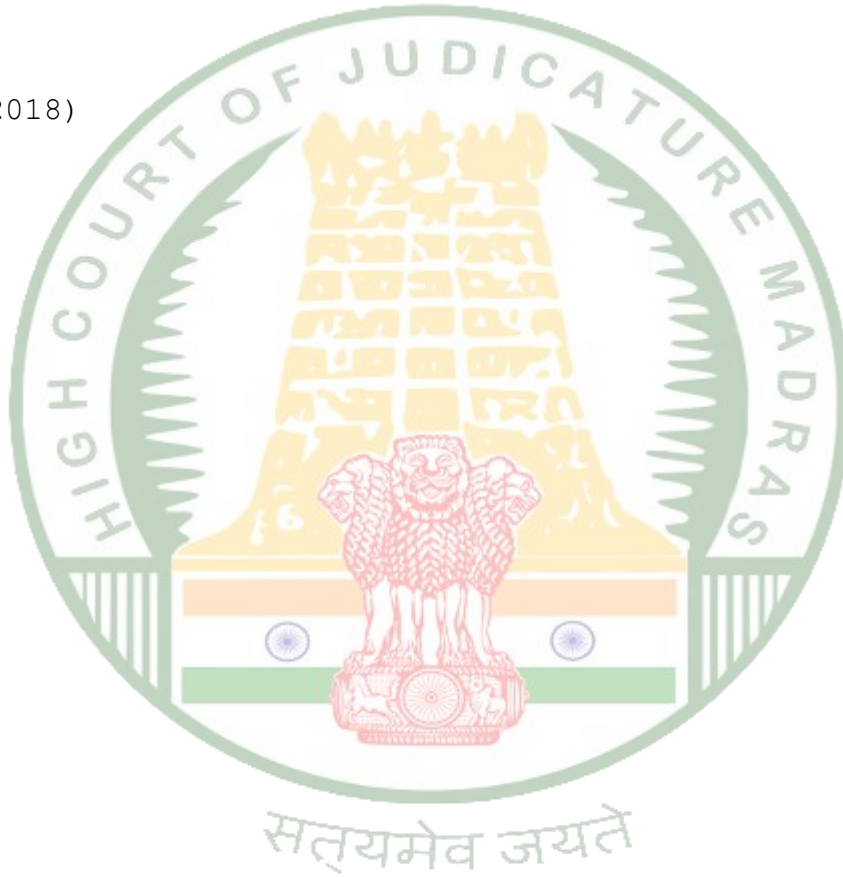
1. The Principal Secretary,
Department of Health and Family Welfare,
Fort St.George, Chennai - 600 009.
2. The Director of Indian Medicine and Homeopathy,
A.A.G.H.I.M. Campus,
Chennai - 106.

3. The Secretary,
Selection Committee,
Director of Indian Medicine and Homeopathy,
A.A.G.H.I.M. Campus, Chennai - 106.

+1 CC to M/s.S. Haja Mohideen Gisthi, Advocate sr 77968.

Writ Petition No.30267 of 2018

SS (CO)
SP (16/11/2018)



WEB COPY