IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 19.12.2018

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THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.33223 of 2018

C.Amali ..Petitioner

-vs-

1. Secretary to the Government
Department of Health & Family Welfare
having office at Fort St.George
Chennai 600 009

2. The Commissioner & Director
of Indian Medicine & Homeopathy Department
having office at Arginar Anna Government
Hospital Campus
Chennai 600 106

3. The Selection Committee
Directorate of Indian Medicine and Homeopathy
having office at:
A.A.G.H.I.M campus
Chennai 600 106

4. The Secretary
Ministry of AYUSH
Government of India
Ayush Bhavan, GPO Complex INA
New Delhi ..Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the respondent Selection Committee to allot a seat for BSMS (Bachelor of Siddha Medicine and Surgery) in the Government Siddha Medical College at Chennai based on the allotment order dated 19.11.2018 made in A.R.No.3730 issued by the third respondent to the petitioner for the academic year 2018-2019.

For Petitioner :: Ms.C.Amali
Party-in-Person

For Respondents :: Mr.A.Kumar
Additional Advocate General
assisted by
Mrs.P.Rajalakshmi
Additional Government Pleader
for R1 to 3

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ORDER

Ms.C.Amali, D/o S.Chinnappan, who has applied for Bachelor of Siddha Medicine and Surgery (BSMS) Degree course in the Directorate of Indian Medicine and Homeopathy during the academic year 2018-19 and got provisionally selected for the first year BSMS course in Government Siddha Medical College, Palayamkottai under the special quota for the heirs of hereditary registered practitioners, has come to this Court seeking issuance of a writ of mandamus directing the Selection Committee to allot a seat for BSMS (Bachelor of Siddha Medicine and Surgery) in the Government Siddha Medical College at Chennai based on the allotment order dated 19.11.2018 made in A.R.No.3730 issued by the Selection Committee, Directorate of Indian Medicine and Homeopathy, the third respondent herein to the petitioner for the academic year 2018-2019.

2. The petitioner appearing in person submitted that when she applied for BSMS Degree course under the special quota allotted for the heirs of hereditary registered siddha practitioners, there were five seats allotted under the special quota viz., two seats in the Government Siddha Medical College, Chennai and three seats in the Government Siddha Medical College, Palayamkottai. Out of four candidates who were called for counselling under the said quota, only three candidates appeared in the counselling. The petitioner was one among the three candidates and she also paid the entry fee of Rs.500/- and a portion of the tuition fee of Rs.5,000/- as a pre-condition. According to the petitioner, for five allotted seats, only three candidates were selected, keeping the remaining two seats vacant. On this basis, she pleaded that the Selection Committee had no option to categorise the candidates on merit by marks. Finally the Selection Committee, exercising its discretionary power, allotted the petitioner to the Government Siddha Medical College at Palayamkottai, refusing her option to the Government Siddha Medical College at Chennai. As the petitioner is a native of Chennai, the order of allotment at Palayamkottai college is unworkable and unjustified. The reason being that the petitioner hails from a poor background, therefore, it is not possible for her to undertake long travel from Chennai to Palayamkottai every now and then for the whole period of 5 ½ years of study. Hence, she approached the respondents to consider her request to allot a seat in the Government Siddha Medical College at Chennai. As the said request has not been considered, she has come to this Court.

3. The learned Additional Advocate General for the respondents 1 to 3, taking written instructions, submitted that when the petitioner and three other candidates applied for admission to the UG Degree course in BSMS under the special

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quota of seats reserved for the heirs of hereditary registered medical practitioners for the academic year 2018-19, they were invited to take part in the counselling. Finally, on the basis of the marks, the petitioner was allotted to the Government Siddha Medical College at Palayamkottai. Mr.S.Gangatharan, who belongs to MBC, having secured 115.25 cut-off marks, failed to appear. However, one K.Vaichala Devi belonging to BC community, having secured 103.75 cut-off marks was given admission in the Government Siddha Medical College, Chennai. Similarly, one another candidate Ms.R.Radhika belonging to MBC community, having secured 98.00 cut-off marks, which is higher than the marks secured by the petitioner C.Amali belonging to BC community with 94.25 cut-off marks, was given admission in the Government Siddha Medical College, Chennai. As the meritorious candidates have opted for the Government Siddha Medical College, Chennai, they were given allotment. Since the petitioner comes in the third position and opted for Chennai, could not be allotted in the Government Siddha Medical College at Chennai, as there were only two seats available. Therefore, she was allotted to Government Siddha Medical College at Palayamkottai due to non-availability of seats in the Government Siddha Medical College at Chennai against the special category No.VII-heirs of hereditary registered siddha medical practitioners. As the allotment of seats is made only on the basis of cut-off marks, it is stated that the petitioner, having admittedly secured only 94.25 cut of marks, which is lower than the cut-off marks secured by the other two candidates viz., 103.75 and 98.00, cannot ask for admission in the Government Siddha Medical College at Chennai. Besides, it is stated that the petitioner also has not even joined in the Government Siddha Medical College at Palayamkottai. In view thereof, that seat also has been given to another candidate.

4. When the petitioner was considered for admission in the Government Siddha Medical College, Palayamkottai, on the basis of the cut-off marks secured by her, but the petitioner only declined to join, therefore, this Court is not able to find any merit in the writ petition. Accordingly, the writ petition fails and it is dismissed. No costs.

Sd/-
Assistant Registrar

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Sub Assistant Registrar

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