



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.07.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

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W.P.(MD) No.13516 of 2018

D.Kurularasan

... Petitioner

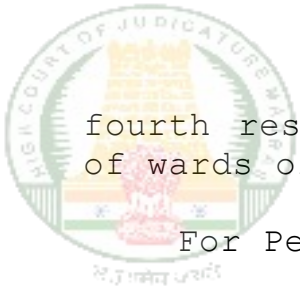
vs.

1. The District Collector
Sivagangai District
Sivagangai- 630 562
2. The Assistant Director
Ex Servicemen Welfare
Sivagangai District 630 562
3. The Secretary
Tamil Nadu Engineering Admissions 2018-19
Anna University
Chennai- 600 025
4. The Secretary
Selection Committee
162, Periyar EVR High Road
Kilpauk, Chennai- 600 010
5. The Chief Secretary
Tamil Nadu State
Fort St.George,
Secretariat, Chennai- 600 009.
6. The Secretary
Department of Health and Family Welfare
Fort St.George,
Secretariat, Chennai- 600 009.
7. The Secretary
Department of Higher Education
Fort.St.George
Secretariat, Chennai- 600 009

(R5 to R7 impleaded vide court order dated 02.07.2018
in W.M.P(MD) Nos.12648 of 2018)

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus directing the second respondent to issue an eligibility certificate immediately as per G.O.Ms 31 dated 31.01.2002 and consequently direct the third and



fourth respondents to consider the petitioner in special quota of wards of service personnel for admission.

For Petitioner :Mr.L.Rajiah

For Respondents :Mr.Chellapandian
Additional Advocate General
Assisted by Mr.J.Gunaseelan Muthiah
Additional Government Pleader
for R1&2,4 to 7
Mr.K.Govindaraj for R3

O R D E R

The only ground on which the petitioner has filed this writ petition is that the candidates under the category of wards of service personnel which was shown as priority(VIII) in the circular of the Ministry of Defence, dated 21.05.2018 has not been considered in the present selection.

2. Today(i,e 31.07.2018), when the matter was taken up for hearing the learned Additional Advocate General by relying upon the counter affidavit filed by the fourth respondent herein submitted that the selection process was completed on the basis of the references given to the special category as per G.O.(D) No.977/H&FW(MCA-1) Dept dated 01.06.2018. As per the said G.O,977, the seat reserved under the children of Ex servicemen quota in admission to MBBS for the academic year 2018-2019 has been filled out wherein the wards of service personnel had not been included. The justification in G.O(D) No.977 for not including the wards of service personnel as priority (VIII) is based on an earlier G.O (Ms) No.16 Health and Family Welfare (MCA-1) Department dated 28.05.2004 wherein the number of special categories under the special reservation for MBBS has been reduced to four classes namely Physically Handicapped, Eminent Sports persons, Children of Freedom Fighter, Children of Ex-Servicemen alone.

3. In my view, there is no infirmity in the action of the respondents in having not considered the wards of service personnel as a special category in view of G.O.(D)No.977/H&FW (MCA-1) Dept dated 01.06.2018. If at all the petitioner is aggrieved against the non inclusion of the children of wards of serving personnel in the special category, it is always open to the petitioner to challenge the said G.O in the manner known to law and the present selection procedure by not considering the wards of serving personnel cannot be termed to be an act of infirmity or illegality.



4. As such, I do not find any merits in the writ petition. Accordingly the writ petition stands dismissed. No costs.

Sd/-

Assistant Registrar(AS)

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Sub Assistant Registrar(CS-IV)

To

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Fort St.George, Secretariat, Chennai- 600 009.
6. The Secretary
Department of Higher Education
Fort.St.George
Secretariat, Chennai- 600 009

+1cc to Spl.Government Pleader Sr.No.76251

+1cc to Mr.K.Govindaraj, Advocate Sr.No.76117

AAV

VB/KAK/SAR4/11.08.2018/3P/9C

W.P. (MD) No.13516 of 2018
31.07.2018