

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 21.06.2019

CORAM:

THE HONOURABLE DR. JUSTICE G.JAYACHANDRAN

Writ Petition No.16797 of 2019

and

W.M.P.Nos.16398 and 16400 of 2019

Aishwarya Ravi

Petitioner

Vs

1.The Secretary to the Government
of Tamilnadu,
Higher Education Department,
Fort St. George, Chennai.

2.The Director,
Directorate of Medical Education,
162, EVR Periyar Salai, Kilpauk,
Chennai 600 010.

3.The Convenor,
Selection Committee,
Directorate of Medical Education,
162, EVR Periyar Salai, Kilpauk,
Chennai 600 010.

4.Medical Council of India,
Pocket 14, Sector -8,
Dwaraka Phase -1,
New Delhi 110 077.

Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records of the respondents in connection with the prospectus issued by the third respondent herein, more specifically Sub clauses (b) (c) & (d) of Clause 5 relating to Nativity, and Quash the same in so far as this petitioner is concerned and to consequentially direct the respondents herein to include the name of the petitioner in the Rank List as per the mark obtained by her in the NEET Examination and consider her under the Wards of Ex-servicemen and for the counseling for Government Colleges MBBS/BDS seats by placing her in Backward class category and not under Open category, for the MBBS/BDS seat for the Academic Year 2019-2020.

For petitioner : Mr.Venkatesh Mahadevan

For Respondents : Mr.Abdul Saleem for R3

<https://hcservices.ecourts.gov.in/hcservices/>

Mrs.Narmatha Sampath

Additional Advocate General,
Asstd. By Mr.V.Kathirvelu,
Special Government Pleader for R1&R2

O R D E R

The petitioner herein, who has secured 373 marks in NEET examination applied for MBBS seat under the Wards of Ex-servicemen quota. According to the petitioner, he has to be considered as a native of Tamilnadu since her mother was born, brought up, married and now family settled in Chennai and after marriage, her family was shifted to Andrapradesh and elsewhere due to her father's position as Station Health Officer in Central Government. After the retirement of his father, her family has come down to Chennai and presently living in Chennai. Whereas the petitioner herein, studied VI to X standard at Kendriya Vidyalaya IIT Campus, Adyar, Chennai and XI and XII standard at King's Matriculation Higher Secondary School, Madipakkam, Chennai. Therefore, she should have been treated as native of Tamilnadu and she should be placed under the communal roster as per her Community Certificate.

Clause 5 of the prospectus issued by the 3rd respondent reads as below: (a) to (e).

Nativity:

(a) Candidates should be a Native of Tamil Nadu

(b). Candidates belonging to Native of Tamil Nadu and having studies from Standard VI to Standard XII in schools of Tamil Nadu need not submit their "Nativity Certificate". However, such candidates should produce the true copies of their parent's certificates such as Birth Certificate, Ration Card, SSLC/10th /12th /Degree/ Diploma /Profession Course. In case, parents are not literate, then No Graduation Certificate for parents, from the Revenue Authority of competent jurisdiction, to substantiate their parent's place of birth in Tamil Nadu and also "Parent's Community Certificate to claim the communal reservation". If the candidates do not submit the above mentioned certificates, then the candidates will be considered under open category only.

(c) Candidates belonging to other states who are residing at Tamil Nadu cannot claim nativity of Tamil Nadu and they will be considered under Open Category.

(d). The other state candidates who are not native of Tamil Nadu and have studied from Standard VI to XII in Tamil Nadu will be considered under Open Category.

(e). Permanent Residence Certificate in lieu of Nativity Certificate will not be accepted.

2. If sub clause (b) to Clause 5 to be strictly interpreted, both mother and father of the candidate should have born in Tamil Nadu. The Authorities have not anticipated that in some case either one alone will be born in Tamil Nadu and the candidate will be residing at Tamil Nadu pursued the studies in Tamil Nadu as in the case of the petitioner herein. By no stretch of imagination such candidates can be termed as other state candidates.

3. Now after notice, the learned counsel appearing for the third respondent would submit that, if the petitioner submit the relevant documents, to prove the nativity of her mother, they would consider her under the native of Tamil Nadu quota. Position note has also been filed to that effect. Taking note of the position note filed by the third respondent, the Writ Petition is disposed of, on the following lines.

4. The petitioner is hereby directed to furnish the Birth Certificate of the mother along with ration card to show her residential status to the third respondent herein on or before 26.06.2019. On such production of document, the third respondent shall consider the petitioner as native of Tamilnadu under the Tamilnadu quota and consider for admission for MBBS/BDS course.

5. If the petitioner is inclined to have any other privilege under the reserve category, she is entitled to produce those documents. Subject to verification and satisfaction of the authorities, she may be placed under the said special category. No costs. Consequently, connected miscellaneous petitions are also closed.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

vkr

To

1.The Secretary to the Government
of Tamilnadu,
Higher Education Department,
Fort St. George, Chennai.

2.The Director,
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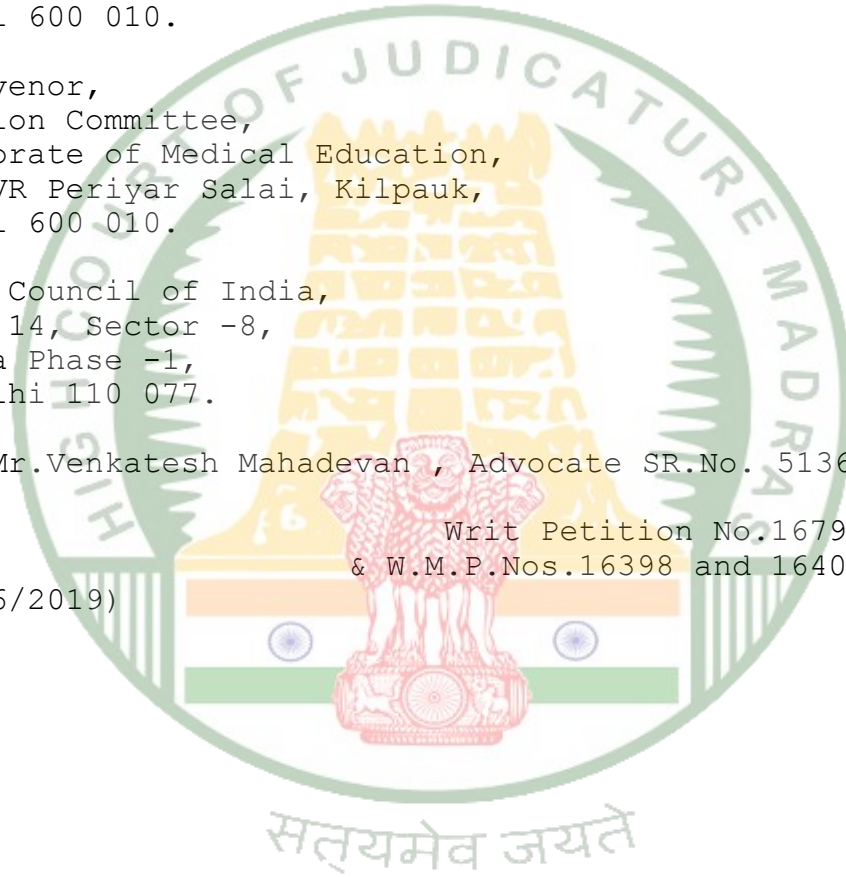
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+2ccs to Mr.Venkatesh Mahadevan , Advocate SR.No. 51367

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A.SK(24/06/2019)



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