

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.07.2019

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH
and
THE HONOURABLE MR.JUSTICE C.SARAVANAN

Writ Petition No.20075 of 2019

and

W.M.P.No.19540 of 2019

P.Santhi
D/o.Late Ponnusamy

...Petitioner

Vs

1.The Additional Director of Medical
Education/Secretary
Selection Committee,
Directorate of Medical Education,
Chennai - 600 010.

2.The Revenue Divisional Officer,
Dharmapuri.

... Respondents

Writ Petition filed under Article 226 of The Constitution of India praying for the issuance of a Writ of Mandamus directing first respondent to permit the petitioner's son Pragadeeshwaran S (ARNO: 20484) to participate in the ensuing counselling session for admission to First MBBS course to be held by first respondent against the seats reserved for Scheduled Tribe Candidates without producing his Scheduled Tribe Community Certificate and allot a seat in any Medical College in Tamil Nadu as per his community rank.

For Petitioner : Mr.M.Radhakrishnan
For Respondents: Mr.V.Shanmuga Sundar
Special Government Pleader

O R D E R

[Order was made by R.SUBBIAH, J]

Petitioner has filed the present Writ Petition seeking issuance of a Writ of Mandamus directing first respondent to permit the petitioner's son Pragadeeshwaran S (ARNO: 20484) to participate in the ensuing counselling session for admission to First MBBS course to be held by first respondent against the seats reserved for Scheduled Tribe Candidates without producing his Scheduled Tribe Community Certificate and allot a seat in any Medical College in Tamil Nadu as per his community rank.

2. When the matter came up for hearing on 12.07.2019, this Court has passed the following order:

'The learned counsel appearing for the petitioner would submit that the petitioner belongs to Scheduled Tribe community. The request of the petitioner seeking declaration of status as one belonging to Scheduled Tribe community to her husband and two children is still pending consideration, though it is referred to the State Level Committee long time back. He further submits that the counselling for M.B.B.S. is going on. Therefore, the petitioner's son viz., S.Pragadeeshwaran will have to be permitted to participate in the counselling.

2. Considering the above, we deem it fit to direct the respondents to permit the petitioner's son viz., S.Pragadeeshwaran to attend the counselling subject to the further orders to be passed in the writ petition. Notice returnable by 19.07.2019. Private notice is also permitted.'

3. Heard learned counsel for petitioner and learned Special Government Pleader for respondents and perused the materials on record.

4. The counter of the first respondent informs that the petitioner's son S.Pragadeeswaran has attended the counselling held on 13.07.2019 under ST category and has been allotted a MBBS seat in Trichy SRM Medical College Hospital and Research Centre, Trichy. However, the Allotment Order has not been issued to the candidate for want of Community Certificate and the same will be issued upon production of Community Certificate. If the petitioner fails to produce the Community Certificate,

his Allotment Order will be cancelled by the Selection Committee and he will be considered eligible under open category.

5. Today, when the matter is taken up for hearing, learned Special Government Pleader, on instructions, submits that the matter is still pending on the file of State Level Scrutiny Committee, Chennai.

6. Considering the said submission, this Court directs the State Level Scrutiny Committee, Chennai, to pass orders, on the Community Certificate of the petitioner's son, on merits and in accordance with law within a period of four weeks from the date of receipt of this order. In case, the State Level Scrutiny Committee passes an order confirming the communal status of the petitioner's son and if it is produced before the first respondent, the first respondent shall issue an order of allotment to the petitioner's son forthwith.

The Writ Petition is disposed of with the above direction. No costs. Connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(Ccc)

//True Copy//

Sub Assistant Registrar

gm
To

1.The Additional Director of Medical
Education/Secretary
Selection Committee,
Directorate of Medical Education,
Chennai - 600 010.

2.The Revenue Divisional Officer,
Dharmapuri.

3.The State Level Scrutiny Committee,
Adi Dravidar & Tribal Welfare Department,
Secretariat,
Chennai - 600 009.

+1cc to Mr. M.Radhakrishnan, Advocate SR.No. 83511

Writ Petition No.20075 of 2019

A.SK(25/07/2019)