



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on: 29.07.2019	Pronounced on: 31.07.2019
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Coram::

The Honourable Dr.Justice G.Jayachandran

Writ Petition No.21180 of 2019

Priyanka,
Represented by her Father,
and Natural Guardian,
G.Paranthaman,
Arakkonam Taluk, Vellore District. ... Petitioner

/versus/

1. The Secretary to Government,
Health & Family Welfare,
St.George Fort,
Chennai - 600 009.
2. The Secretary,
Selection Committee,
Directorate of Medical Education,
No.162, E.V.R.Periyar High Road,
Kilpauk, Chennai - 600 010. ... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue Writ of Mandamus, directing the 2nd respondent to allot one M.B.B.S seat to the petitioner/Ms.P.Priyanka under 'M.B.C' category in the second round/mop-up round for the academic year 2019-2020 M.B.B.S/B.D.S admission and pass orders.

For Petitioner : Mr.A.S.Baalaji

For R1 : Mr.S.Suresh Kumar, Government Advocate

For R2 : Mr.Abdul Saleem, Standing Counsel

O R D E R

Heard the Learned Counsel for the Petitioner and the Learned Counsel for the respondents 1 & 2.

2. The petitioner herein has applied for admission to M.B.B.S/B.D.S Course for the academic year 2019-2020. The 2nd respondent/Selection Committee, Directorate of Medical Education, invited her for counselling on 10.07.2019 under 'Backward Class' category and allotted a seat in Melmaruvathur Adhiparasakthi Institute of Medical Sciences and Research, Kancheepuram, which is a self financing College under Government Quota.

3. The grievance of the petitioner herein is that she belongs to 'Most Backward Class' category and therefore her candidature should be considered under the 'Most Backward Class' category in the second round/mop-up round for counselling. It is a case of the petitioner is that, she belongs to 'Panisivan/Panisaivan' Community. When she applied for M.B.B.S/B.D.S course, the Community Certificate indicating her as 'Backward Class' category was available with her therefore she applied under the 'Backward Class' category. Later, on 15.07.2019, she got the Community Certificate indicating her as 'Most Backward Class'. Therefore, the change of Community category has to be taken into account and in the second round/mop-up round counselling, her candidature should be considered under the 'Most Backward Class' category.

4. In the counter filed by the 2nd respondent, it is stated that the petitioner while applying for counselling has declared her as 'Backward Class' candidate and enclosed a Community Certificate indicating that she belongs to "Virakodi Vellala Community", which is categorized as 'Backward Class' category. Based on her application and the certificate enclosed by her, she was considered as 'Backward Class' candidate and given ranking under the 'Backward Class' category and called for counselling. She was allotted a seat under Government Quota in a self financing College, during the 1st counselling. Thereafter, she has obtained a fresh Community Certificate on 15.07.2019 indicating that she belongs to Panisivan Community, which falls under 'Most Backward Class' category. As per Clause 6(iii) of the prospectus for the admission to M.B.B.S/B.D.S for the academic year 2019-2020, "any change in the online application form after the same is being uploaded is barred". Hence, the respondent seeks for disposal of the Writ Petition as devoid of merits.

5. The petitioner, while applying for the U.G - National Eligibility Entrance Test (N.E.E.T), she has declared herself as 'Other Backward Class' candidate, wherein, her community has been shown as Virakodi Vellala (Former Panisaivan only) Community. This 'Other Backward Class' (OBC) certificate

dated 28.06.2019 issued by Tahsildar of Arakkonam Taluk. The petitioner in her N.E.E.T Score Card also indicates her as 'Other Backward Class' candidate. In her application to the Selection Committee, Government of Tamil Nadu, she has stated her community as 'Backward Class' and the allotment order was issued to her based on her community and ranking. The allotment order is dated 10.07.2019. Thereafter, she has obtained a community certificate indicating her community as 'Most Backward Class'. This 'Most Backward Class' certificate is dated 15.07.2019, is issued much after allocation of seat to her.

As per Clause 6 (iii) of the prospectus issued by the 2nd respondent reads as below:

Procedure for filing and submission of online application Form:

(i).....

(ii).....

(iii). Request for change in any particulars after submitting the online application form shall not be entertained under any circumstances.

6. The petitioner initially has obtained 'Backward Class' (BC) certificate declaring herself as a person belonging to Virakodi Vellala Community and now obtained a fresh community certificate that she belongs to Panisivan Community which is categorized as 'Most Backward Class' (MBC) category. The change has been made subsequent to the allocation of seat to the petitioner. If the petitioner belongs to Panisivan Community, which is a community declared as 'Most Backward Class' category as early as 2008, she ought not to have obtained 'Backward Class' (BC) certificate showing her community as Virakodi Vellala. The 2nd respondent/the Selection Committee, Directorate of Medical Education, Chennai, has categorized her under 'BC' community based on her own application and the community certificate furnished by her. Therefore, the prayer in the Writ Petition to change her community based on her certificate obtained, after commencement of selection process cannot be entertained.

7. Hence, the Writ Petition is dismissed. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

bsm

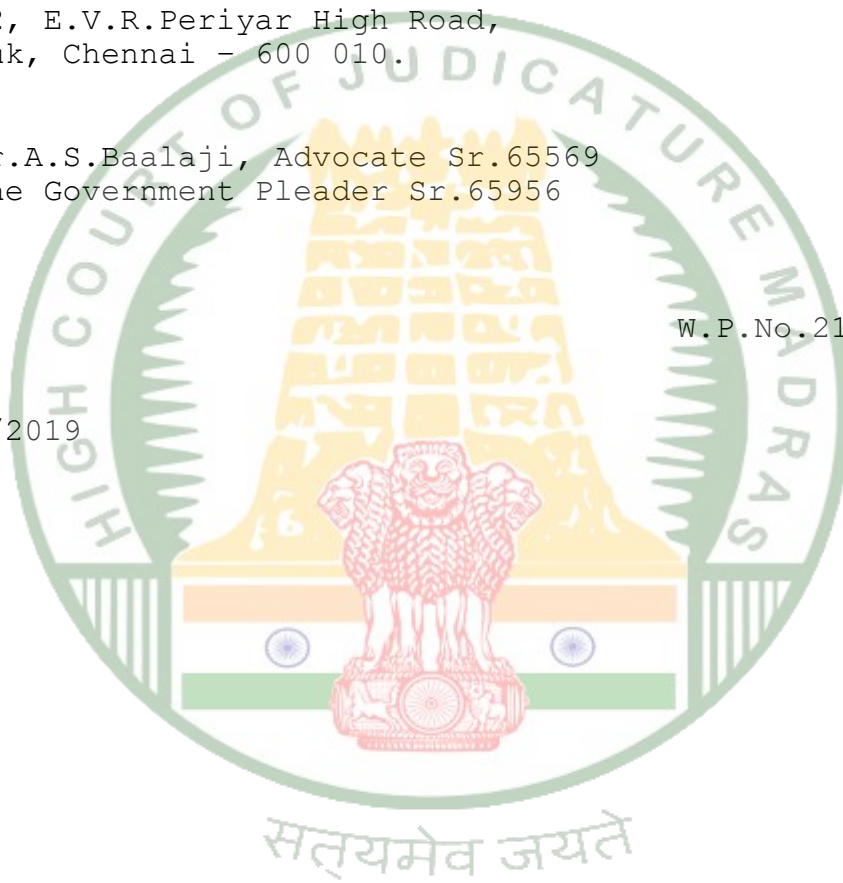
To,

1. The Secretary to Government,
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2. The Secretary,
Selection Committee,
Directorate of Medical Education,
No.162, E.V.R.Periyar High Road,
Kilpauk, Chennai - 600 010.

+1cc to Mr.A.S.Baalaji, Advocate Sr.65569
+1cc to the Government Pleader Sr.65956

W.P.No.21180 of 2019

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srg 09/09/2019



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