

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 01.08.2019

Coram:

THE HONOURABLE DR. JUSTICE G. JAYACHANDRAN

Writ Petition No.22697 of 2019
and
W.M.P.No.22187 of 2019

Infanta Aparna

.. Petitioner

/versus/

1.The Centralised Admission Committee(CENTAC),
Government of Puducherry,
Pondicherry Engendering College Campus,
Puducherry 604 014.

2.The Government of Puducherry,
Rep.by its Chief Secretary,
Chief Secretariat, Puducherry.

3.The Secretary,
Department of Higher Education,
Government of Puducherry,
Chief Secretariat Puducherry.

4.Pondicherry Institute of Medical Science,
Kalathumettupathai, Ganapathichettikulam,
Village No.20, Kalapet,
Puducherry 605 014.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to admit the petitioner to UG-MBBS course under the Christian Minority Management quota in 4th respondent Medical College without insisting permanent integrated certificate.

For Petitioner :Mr.P.R.Thiruneelakandan

For Respondents :Mr.C.K.Ramesh, AGP(P)

O R D E R

By consent, the main writ petition itself is taken up for final disposal at the admission stage itself.

2. Heard Mr.P.R.Thiruneelakandan, learned counsel appearing for the petitioner and Mr.C.K.Ramesh, learned Additional Government Pleader(P), who takes notice on behalf of the respondents.

3. The prayer in the writ petition is to issue a Writ of Mandamus directing the respondents to admit the petitioner to UG-MBBS course under the Christian Minority Management quota in 4th respondent Medical College without insisting permanent integrated certificate.

4. The case of the petitioner is that she was born to the parents following Christian faith and she is a resident of Puducherry since 1996. Since her father is employed in a Private Concern and he has been transferred to various places away from Puducherry, the petitioner herein applied for Permanent Integrated Certificates(PIC), which was not given to the petitioner herein. Hence, she has already filed W.P.No.12047 of 2019 and the same is pending. Meanwhile, her application for a medical seat under Christian Minority quota as a resident of Puducherry has not been considered by the respondents, though she has secured sufficient marks and stood 19th rank, as per the draft merit list issued by the Centralised Admission Committee (CENTAC). However, when the final list was released, her name is not found among the selected candidates under the Christian Minority quota.

5. The contention of the learned counsel appearing for the petitioner is that 75 seats in M.B.B.S course are available under Christian Minority category. Though she does not, at present possess Permanent Integrated Certificates(PIC), which is essential to claim communal reservation in the Union of Territory at Puducherry, she being the permanent resident of Puducherry, her right to get the seat under the Christian Minority quota cannot be deprived. It is further contended by the learned counsel appearing for the petitioner that initially persons of Puducherry origin alone were entitled for communal reservation, but later to the Government Order dated 05.08.2005, the benefit of communal reservation restricting only to the origin of the Union Territory of Puducherry was tested before

the Hon'ble Supreme Court and the Hon'ble Supreme Court in its judgment [Puducherry S.C. People Welfare Association vs. Chief Secretary to Government, Union Territory of Pondicherry & Ors. reported (2014(9)SC 236)] has set aside the said Government Order stating that reference of "residents" in the Presidential Order 1964, has to be given a liberal meaning and it cannot be restricted by substituting "a person origin".

6. This Court, after considering the submissions made by the learned counsel appearing for the petitioner and the averments made in the affidavit, is unable to accept the contention raised by the learned counsel appearing for the petitioner. The said G.O. passed by the Government of Puducherry in the year 2005 is in respect of declaring a person hailing from scheduled community and in that context, the Hon'ble Supreme Court clarified that the Presidential Order regarding communal status included in the scheduled list has to be given liberal interpretation and apply to all persons of Pondicherry domicile and cannot be restricted to origin(birth).

7. Here is the case where admittedly, the petitioner herein is a linguistic minority person settled at Puducherry, even according to her, only in the year 1996. She settled in Pondicherry. Her request to give Permanent Integrated Certificate(PIC) is still pending and subject matter of the writ petition before this Court.

8. In such circumstances, the plea of the petitioner herein to consider the petitioner as a person resident of Puducherry and reserve a seat, pending disposal of the writ petition in W.P.No.12047 of 2019, cannot be entertained. Further, unless and until the issue whether the petitioner is to be considered as resident of Puducherry and entitled for Permanent Integrated Certificate(PIC) is decided, no interim order or final order can be passed in this writ petition. Hence, this Writ Petition is dismissed with liberty to the petitioner to agitate her right in W.P.No.12047 of 2019 pending before this Court. No costs. Consequently, connected Miscellaneous Petition is closed.

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Sd/-

Assistant Registrar(Insp.Cell)

//True Copy//

Sub Assistant Registrar

To

1.The Centralised Admission Committee(CENTAC) ,
Government of Puducherry,
Pondicherry Engendering College Campus,
Puducherry 604 014.

2.The Chief Secretary,
Government of Puducherry,
Chief Secretariat, Puducherry.

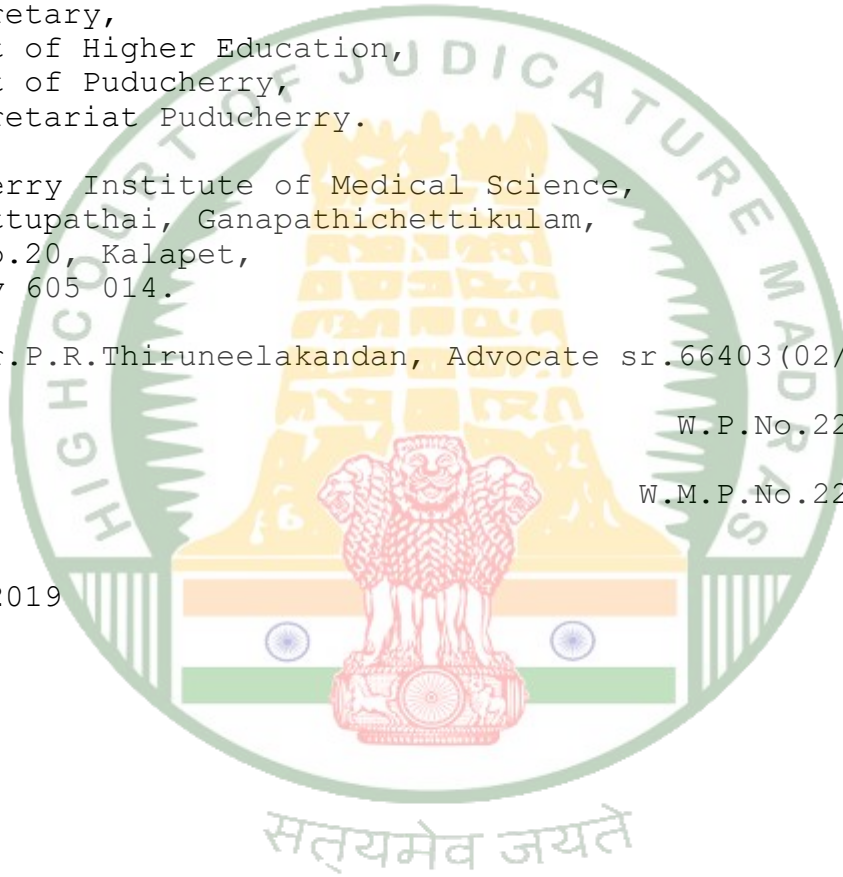
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Kalathumettupathai, Ganapathichettikulam,
Village No.20, Kalapet,
Puducherry 605 014.

+lcc to Mr.P.R.Thiruneelakandan, Advocate sr.66403(02/08/2019)

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and
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jp(co)
nr 01/08/2019



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