

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 20.08.2019

Coram:

THE HON'BLE DR. JUSTICE G. JAYACHANDRAN

Writ Petition No.22802 of 2019

and

W.M.P.No.22382 of 2019

Pavithra

.. Petitioner

/versus/

- 1.Union of India
represented by its Secretary to Government,
Directorate of Health and Family Welfare Services,
Government of Puducherry-01.
- 2.The Convenor-CENTAC-2019-20
Pondicherry Engineering College,
Pillaichavady, Pondicherry.
- 3.Indira Gandhi Medical College & Research Institute,
Represented by its Chairman,
Vazhudavur, Kathirkamam,
Puducherry.
- 4.Balamuralikrishna.L.
- 5.Sivachidambaram.R

6.Malathi.B

Respondents 4 to 6 are under the care of the
Convenor-CENTAC 2019-20 Pondicherry
Engineering College, Pillaichavady, Pondicherry

(Respondents 4 to 6 are impleaded as per
order dated 07.08.2019 by GJJ im W.M.P
No.23039/2019 in W.P.No.22802/2019)

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Declaration declaring the provisional allotment for NEET based UG Medical Courses 2019-20 list published by the 2nd respondent dated 27.07.2019 in respect of the 3rd respondent college in as much as the selection of

respondents 4 to 6 herein as illegal and consequently admit the petitioner to MBBS Course 2019-20 in the 3rd respondent college as per her merit in the Most Backward Category(MBC).
(Prayer amended as per order dated 07.08.2019 by GJJ in W.M.P.No.23048/2019 in W.P.No.22802/2019)

For Petitioner :Mr.T.Sai Krishnan

For Respondents:Ms.Usha, AGP(P) for R1 to R3
Mr.A.S.Bharath for R5

O R D E R

Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for respondents 1 to 3 and the learned counsel appearing for the fifth respondent.

2.The petitioner herein belongs to Hindu-Pattinavar (Meenavar) community, which is classified under Extreme Backward Class (in short "EBC") by the Puducherry Government. For admission of MBBS course, the State has taken a policy decision to reserve 2% for EBC. Originally, the community which are now enlisted under EBC were treated as Most Backward Class and 20% seats were reserved for Most Backward Class community. Later, the State has decided to provide 2% for EBC exclusively. The petitioner has secured 292 marks in the NEET examination. While providing seat matrix, the Puducherry Government allotted 24 seats to Karaikal Region but no seat is reserved for EBC. Therefore, the grievance of the petitioner is that if she is considered under the Most Backward Class category of Karaikal region, she will be eligible to get a seat in the counselling. The contention of the petitioner is that since 2% reservation is carved out of the overall reservation quota of 20% for Most Backward Class, it is only horizontal reservation. Therefore, there can be interchange of category.

3.In the Counter, the first respondent has stated that as per G.O.Ms.No.99 dated 10.08.2006 of the Chief Secretariat (Education), Puducherry, 2% seat has been provided for Extreme Backward Class (EBC) category. From out of 137 seats for the Union Territory of Puducherry, 2% seat of Extreme Backward Class (EBC) works out as 2.74. In 96 seats reserved for Puducherry region 2% for EBC works out to 1.96 which are to be earmarked for Extreme Backward Community(EBC). As far as Karikal region is concerned, the available seats are 24 and from out of 24 seats, 2% of EBC works out as 0.48 which is less than one. So, no reservation has been made for EBC category under Karaikal Region. Therefore, on rotation basis reservation for Karikal region under EBC category is provided. The reservation for EBC

is a horizontal reservation. One particular reserved category cannot be accommodated and accounted under the other reserved category. It is also stated in the counter that the cut off marks for Most Backward Class (MBC) for the present year is 383 marks. Whereas, the petitioner herein has secured only 292 marks.

4. In the said circumstances, the contention of the petitioner that reservation of EBC is only a horizontal reservation is untenable and the prayer of the petitioner to consider the petitioner under the Most Backward Class (MBC) category cannot be entertained, since it will take the share of Most Backward Class (MBC) candidates. Hence, the writ petition is dismissed for devoid of merits. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

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represented by its Secretary to Government,
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Government of Puducherry-01.
- 2.The Convenor-CENTAC-2019-20
Pondicherry Engineering College,
Pillaichavady, Pondicherry.
- 3.Indira Gandhi Medical College & Research Institute,
Represented by its Chairman,
Vazhudavur, Kathirkamam,
Puducherry.

+lcc to Mr.A.S.Bharath, Advocate SR.71313

+lcc to Mr.T.Sai Krishnan, Advocate SR.71265

+lcc to the Government Pleader SR.71608

W.P.No.22802 of 2019

PVS (CO)

CB(10/10/2019)