

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 20.08.2019

Coram:

THE HON'BLE DR. JUSTICE G. JAYACHANDRAN

Writ Petition No.24186 of 2019

and

W.M.P.No.23968 of 2019

Minor Durga

Rep.by her father and natural guardian

Ramesh.S.

... 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.S.Gokula Krishnan
- 5.Ashidha Pradeep
- 6.Sruthi S.Kurup
- 7.Vuppula V Sourabh
- 8.Liana Shahir
- 9.U.Kiruthika
- 10.Muthukumaran
- 11.K.Janaranjani

12.P.Mukeshkanna

13.S.Dhaneshvar

14.V.Sowmiya

15.R.Abiramie

16.P.Dinesh

17.M.Sivashankari

18.S.Thrisha

19.V.Atchaya

20.P.Abiramy

21.M.Nareshkumar

22.S.Indhoumathy

23.K.Mahaashri

24.A.Pavithra

25.S.B.Uthira

26.K.Mahaashri

27.C.Deepiga

28.Fathima Ashika

29.Senthl Valar Nilavu PVS

30.P.Athira

31.Vaishali

32.B.Dharshini

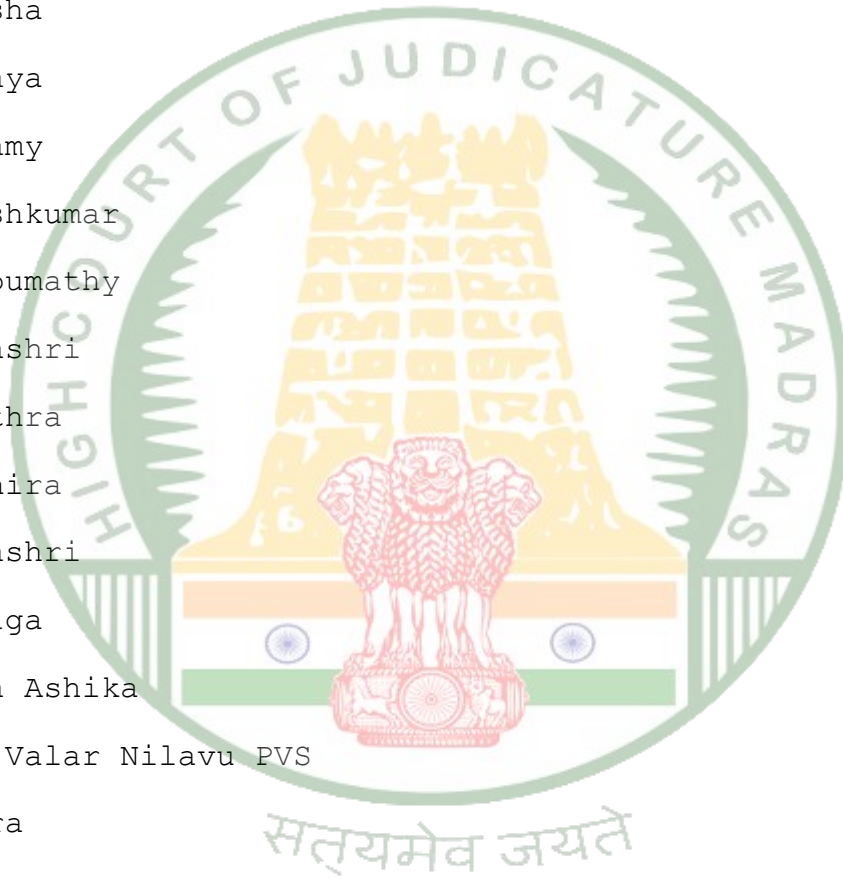
33.K.Surya

34.S.Sivaa Sandossh

35.M.Ashitha

36.K.Sahana

37.K.Subathra



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38.Rakesh Divakar

39.M.Premanth

40.Vidhyaa

41.B.Keerthana

42.B.Baraina

43.G.Sanjeetha

44.Nidhi Vijayan

45.R.Dharanidasan

46.U.Toni Divakar

47.Aiswarya M Nair

48.Keerthana

49.Aparna Charoth

50.P.Hemnath

51.Jeffrey Leo Christian

52.R.Arungokul

53.S.Elakkiya

54.D.Ilayakumaran

55.K.Parthasarathi

56.I.Jeevan Bala

57.Deepan

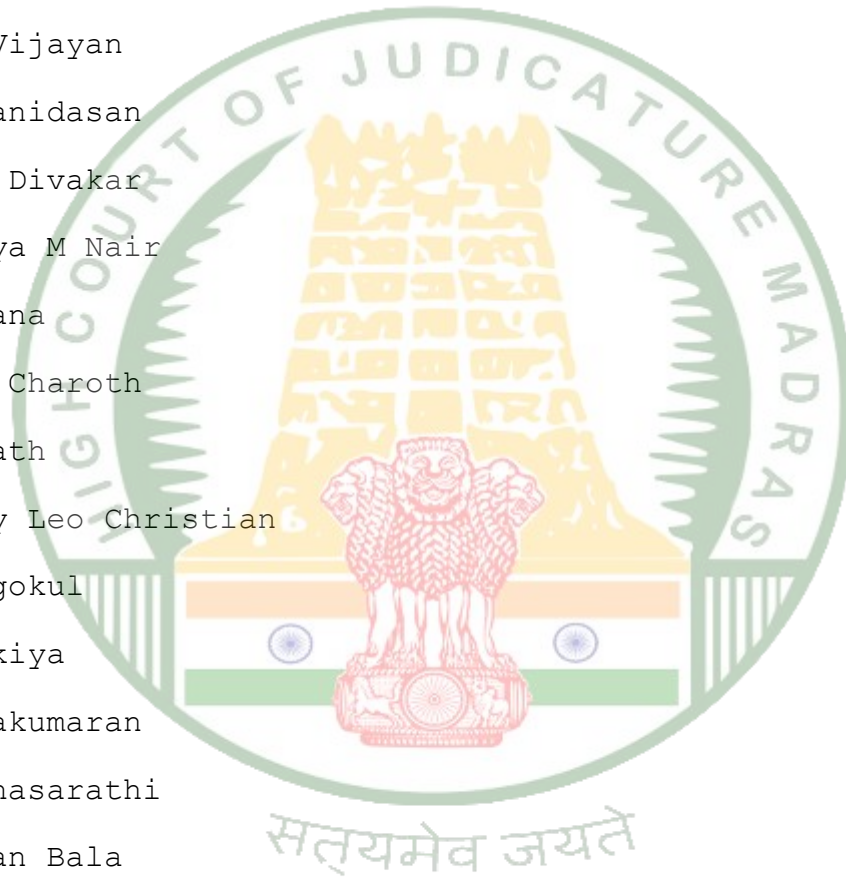
58.Sayed Aashiq

59.R.Yogeshwaran

60.M.Ovya

61.Aravind

62.R.Sowmiya



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63.Lavanya Plagala

64.R.Srimathi

65.S.Santhiya

66.N.Srimathy

67.M.Ilaparithy

68.M.Dhanu Vershan

69.S.Revanth Kumar

70.I.Bhuvanesh

71.Yogalakshmi

72.Chinta Ragha Deepthi

73.P.Aravind

74.Niyathi

75.Sharon Valsaraj

76.Bora Sriya Reddy

77.Harshni

78.D.Dharini

79.V.Deepthi

80.V.Amina Zara

81.G.Sathishkumar

82.S.Naveen Chakravarthy

83.P.Kanagalatchoumy

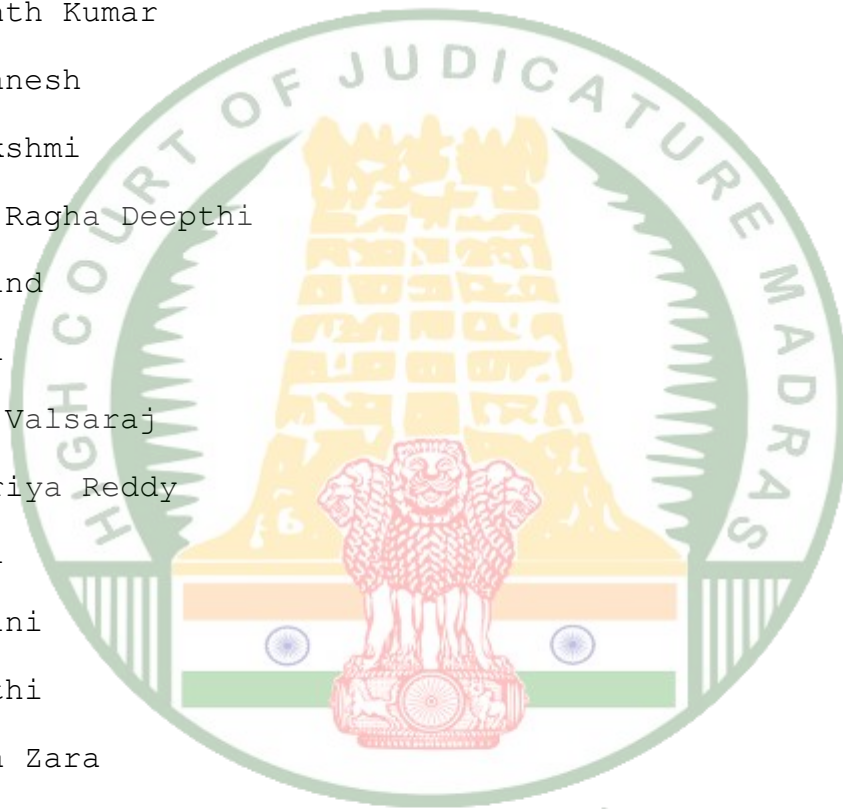
84.S.Thamizhmaran

85.K.Nalini

86.Kavya

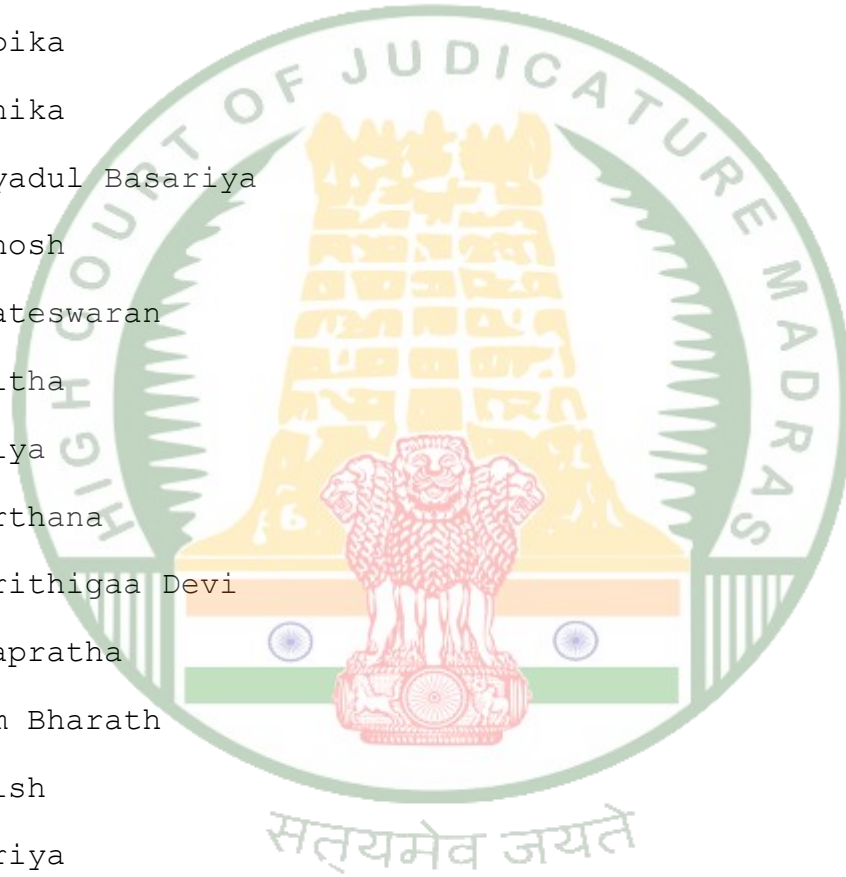
87.B.Praveen Raj

88.S.Gowrishankar



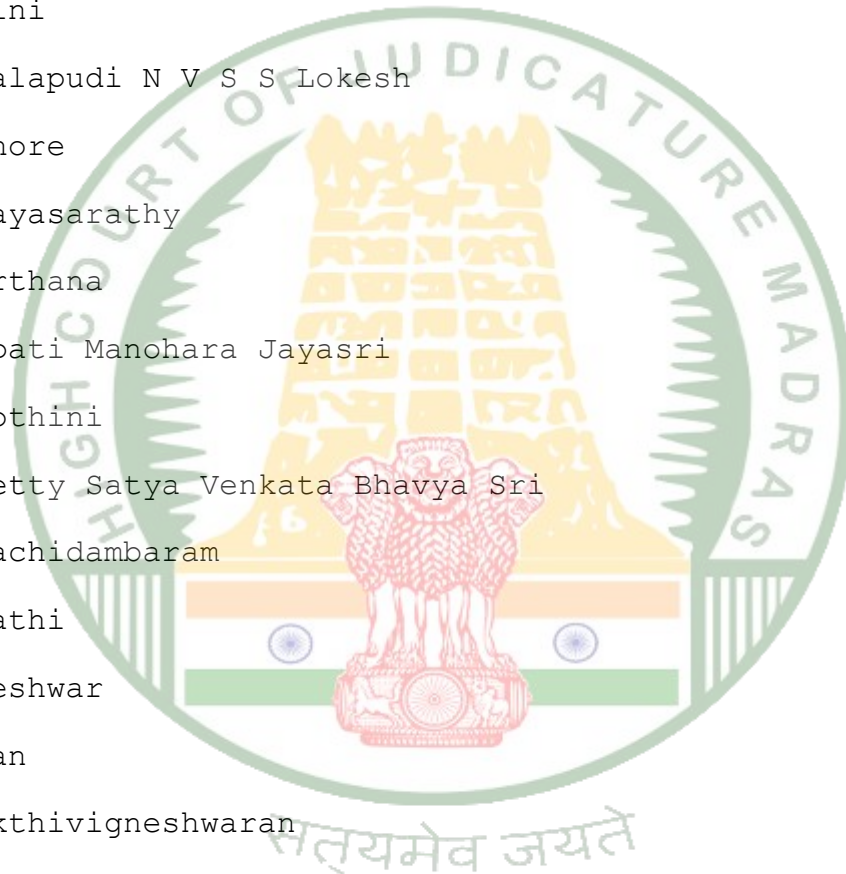
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- 89.P.krishanth
90.Kanuri Krishna
91.Aparan
92.S.Hemaprakash
93.R.Dhineshram
94.M.Shalini
95.D.Dheepika
96.S.Swathika
97.J.Rabiyadul Basariya
98.R.Santhosh
99.A.Venkateswaran
100.D.Haritha
101.S.Kaviya
102.R.Keerthana
103.K.S.Krithigaa Devi
104.J.Jayapratha
105.Mellam Bharath
106.P.Harish
107.P.P.Priya
108.P.Preethi
109.Kalla Pravveen Kumar
110.R.Monisharam
111.L.Balamuralikrishna
112.Meesala Pavitra Chandravathi
113.S.Snegapriya



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114.V.L.Alan Riat
115.M.Parthielamvazuthi
116.R.Nirmal
117.M.Logeshwari
118.D.Lokesh
119.N.Krshna
120.I.Harini
121.Chintalapudi N V S S Lokesh
122.S.Kishore
123.S.Vijayasarathy
124.R.Keerthana
125.Pentapati Manohara Jayasri
126.S.Vinothini
127.Bavisetty Satya Venkata Bhavya Sri
128.R.Sivachidambaram
129.B.Malathi
130.E.Janeshwar
131.K.Karan
132.T.Shakthivigneshwaran
133.K.Chezhiyan
134.Dhatchamurthy
135.B.Saran
136.T.Anbu Nila
137.J.Thilaghavathee
138.Bommidi Manohar Varama
139.Mohamed Ashif



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Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Declaration declaring impugned second Round revised provisional allotment for NEET based UG Medical Courses 2019-2020 published by the 2nd respondent dated 12.08.2019 in respect of the 3rd respondent college in as much as the selection of respondents 4 to 140 herein as illegal and consequently to re-do the admission process by following the principles of reservation in accordance with law and to admit the petitioner upon she being eligible as per merit to the undergraduate course in MBBS 2019-20 in the 3rd respondent college.

For Petitioner :Mr.T.Saikrishnan

For Respondents :Mr.GandhiRaj, GP Pondy
for R1 to R3

O R D E R

Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Pondy) appearing for respondents 1 to 3.

2.The petitioner, who has secured 378 marks in the NEET examination belongs to OBC category. Her name found place in the provisional list released by the CENTAC at Serial No.90. Whereas, when the final list was published, her name not found.

3.The learned counsel appearing for the petitioner contended that one Rakesh Divakar, who was placed under general category in the provisional list has been considered as Mahe OBC candidate in the final list. Three other candidates namely, Kanuri Krishna, Aparna and Hema prakash were not shown in the provisional list but inserted in the final list.

4.After perusing the provisional list and final list released by the CENTAC, this Court directed the learned Government Advocate (Pondy) to furnish the records and explain why the petitioner's candidature was not considered while finalising the selection list.

5.The learned Government Advocate appearing for the CENTAC would submit while drawing the provisional list, the candidature of Rakesh Divakar, who has secured 430 marks was considered under general category and he was placed at 35th rank. Later, on publication of the provisional list, objections and suggestions were received from the public and on verification, they found that Rakesh Divakar has applied under regional quota of Mahe and therefore, he cannot be accommodated in Pondicherry

category. Therefore, the error crept in the provisional list has been rectified and final list was released on 12.08.2019 wherein Rakesh Divakar was considered as Mahe OBC candidate.

6. The learned Government Advocate appearing for the Pondicherry Government would submit that for every region, specific number of seats have been allotted and candidates, who want to apply under regional quota should specify the same and apply. Accordingly, Rakesh Divakar has sought seat under regional quota for Mahe. To Mahe region, out of six seats, two seats are for general, one seat each for EWS, OBC, MBC and BCM. Under general category Mahe quota, Ashidha Pradeep with NEET score of 517 marks and Athira.P with NEET score of 444 marks were selected and accommodated. Rakesh Divakar secured 430 marks and was accommodated under Mahe OBC quota. As far as the petitioner is concerned, she was not opted for any regional reservation and secured 378 marks and she was originally found placed at serial number 90 in the provisional list but later on receiving the objections from the public and candidates, they found that three candidates, who have secured better rank under OBC category than the petitioner were found omitted in the provisional list and therefore, they were included in the final list. The records furnished by the respondents were compared with their submissions and found that their submission is correct.

7. The petitioner, who has secured 378 marks has not been deprived of seats at the cost of less meritorious candidate. As per the application of Rakesh Divakar he has been considered under Mahe regional quota and therefore, though he has secured 430 marks, as per his option, he has been considered as Mahe OBC candidate and provided seat. It is the right of the candidate who is entitled for any special reservation to exercise the said option.

8. Here in this case, Rakesh Divakar has exercised his option for Mahe region quota. No one can compel him not to opt the regional reservation, which he is entitled for. Therefore, there is no merits in the representation of the petitioner. Hence, this writ petition is dismissed as devoid of merits. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar

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Sub Assistant Registrar

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To

1.The Secretary to Government,Union of India
Directorate of Health and Family Welfare Services,
Government of Puducherry-01.

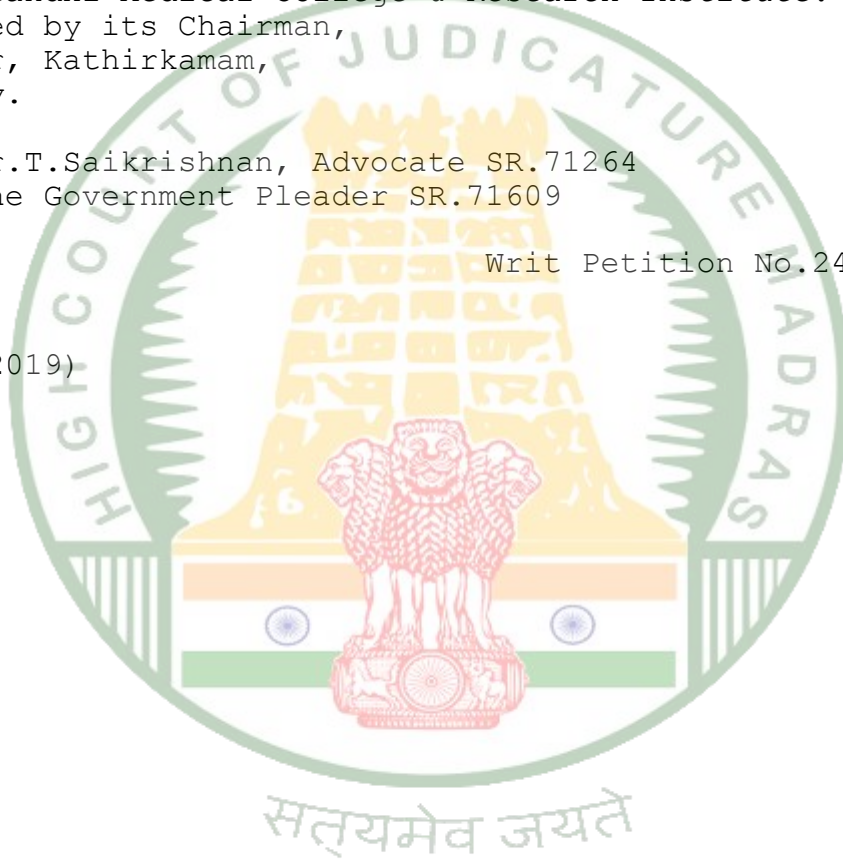
2.The Convenor-CENTAC-2019-20,
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Pillaichavady, Pondicherry.

3.Indira Gandhi Medical College & Research Institute.
Represented by its Chairman,
Vazhudavur, Kathirkamam,
Puducherry.

+1cc to Mr.T.Saikrishnan, Advocate SR.71264
+1cc to the Government Pleader SR.71609

Writ Petition No.24186 of 2019

PVS (CO)
CB(10/10/2019)



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