

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 05.09.2019

Coram::

The Honourable Dr.Justice G.Jayachandran

W.P.No.25396 of 2019
& W.M.P.No.24935 of 2019

R.Prashita Kamali,
D/o.S.Ravi,
No.39, 2nd Main Road, Murugan Nagar,
Near Rajiv Gandhi Hospital,
Puducherry - 605 005.

... Petitioner

/versus/

1. Centralized Admission Committee (CENTAC),
Rep. by its Convener,
Government of Puducherry,
Pondicherry Engineering College Campus,
Puducherry.
2. The Government of Puducherry,
Rep.by its Special Officer,
Department of Revenue and Disaster Management,
Puducherry.
3. Medical Council of India,
Pocket - 14, Sector - 8,
Dwarka Phase - I,
New Delhi - 110 077.
4. R.Pragash,
S/o.S.Rathinam,
No.292, Surakudi,
Thirunallar,
Karaikal.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying to issue Writ of Certiorarified Mandamus, calling for the records of 1st respondent in proceeding No.101/Co-ordinator/CENTAC/2019, dated 23.08.2019 and the consequential allotment of M.B.B.S seat to 4th respondent under BT category in Indira Gandhi Medical College & Research Institute, Puducherry (IGMC & RI) and quash the same and consequently allot one M.B.B.S seat to the petitioner in Indira Gandhi Medical College & Research Institute, Puducherry (IGMC & RI) for the academic year 2019-2020 and pass orders.

For Petitioner : Mr.A.Edwin Prabakar

For R1 & R2 : Mr.C.T.Ramesh,
Additional Government Pleader (Pondy)

For R4 : Mr.V.Manisekaran

O R D E R

Heard the Learned Counsel for the Petitioner and the Learned Additional Government Pleader, Union Territory of Puducherry for the respondents 1 and 2. Mr.Manisekaran, learned Counsel for the 4th respondent.

2. The case of the petitioner is that, she belongs to Kurumans caste which comes under Backward Tribe category (BT) in Puducherry, Union Territory.

3. The petitioner herein attended the counselling conducted by the 1st respondent/CENTAC and she was allotted the seat in a self financing College i.e., Sri Venkateshwaraa Medical College and Research Institute, under Government Quota, as per merit. Thereafter, the petitioner came to know that one seat reserved for S.T candidate in Government College not filled. Therefore, made representation to the Government that, there is no seat for B.T category in the Government College, Puducherry, so to convert the S.T seat as B.T seat. Based on the representation, the seat matrix was altered and the one unfilled S.T seat was converted to B.T category in the Government College. Hence, the petitioner became eligible to participate in the subsequent round of counselling scheduled on 21.08.2019. While so, there was some anonymous complaint against her regarding the community certificate. Therefore, the Revenue Officials called her for verification of the documents. Accordingly, the petitioner and her father appeared before the Deputy Collector, (Revenue), North, Puducherry, on 21.08.2019 and produced all the necessary documents to prove the genuineness of her community. Unfortunately, on the very same day, the counselling also held and by the time, the petitioner got the clearness from the Revenue Department about her community and reach the counselling centre, she was informed that, the seat was allotted to the 4th respondent/Pragash, who has secured 211 marks in the N.E.E.T examination.

4. According to the petitioner, the 1st respondent/CENTAC Officials ought to have cancelled the seat allotment to the 4th respondent/Pragash. Since, she was reported before the CENTAC on the very same day and explained the delay.

The written request was also given to the 1st respondent/CENTAC in this regard, to consider allotment of seat to her under B.T category in the Government Medical College, Puducherry. It was rejected by the 1st respondent vide order dated 23.08.2019, which is impugned in the Writ Petition.

5. On perusal of the affidavit and the submission of the learned Counsel for the petitioner, this Court found that the petitioner was considered as a candidate eligible to compete under B.T category and had secured 344 marks. She stand 1st in the rank under the said category. Initially, she was allotted seat in a private College under open category in Government Quota on her own merit. After the alteration in the seat matrix, when one seat has been reserved for B.T category in the Government College, Puducherry, by converting of seat of S.T category to B.T category, in the Puducherry, Government Medical College, naturally she being the highest scorer is the most eligible candidate to get that seat. Due to some frivolous complaint, she has been asked to be present before the Revenue Officials, on the date of counselling (i.e., 21.08.2019). Meanwhile, before she could reach the counselling centre and report the 1st respondent/CENTAC, the seat has been allotted to the 4th respondent/Pragash, who secured 211 marks in the N.E.E.T examination.

6. The Learned Counsel appearing for the 4th respondent would submit that, the petitioner having not been present at the time of counselling, she cannot claim the seat allotted to the 4th respondent. In the normal circumstances, the contention of the 4th respondent is bound to be accepted but the petitioner herein was not able to be present himself during the counselling was due to the enquiry conducted by the Revenue Official of the Government of Puducherry, to test the veracity of her community certificate.

7. It is not the case that, the petitioner had no community certificate in her favour or not eligible to set the seat in the Government Medical College, Puducherry, based on her merit. She was already allotted a seat in a private College. Since her community certificate issued was subjected for verification and unfortunately, the date of verification and the date of counselling was one and the same, she was prevented from attending the counselling. However, on the very same day, she has reported to the 1st respondent/CENTAC and also given the representation. So, in all fairness and on merits, the petitioner is entitled to exercise her option to chose the seat which was available on 21.08.2019. Since, she was not able to present on that day and exercise the option, the seat has been allotted to the 4th respondent/Pragash, who has secured 211 marks. At the same time, another person by name Kirubanithi has

been allotted seat under B.T category in Sri Venkateshwaraa Medical College and Hospital, under [Government Quota]. This Court is not inclined to disturb the seat allotted to Mr.Kirubanithi. However, on merits, the petitioner having secured 344 marks has to be accommodated in the Government Medical College (IGMC&RI) under B.T category and the seat occupied by the petitioner herein in Sri Venkateshwaraa College (Government Quota), shall be allotted to the 4th respondent/R.Pragash. By this exchange none of the parties will be prejudice and substantial justice will be given to the petitioner who has been deprived of the College on her choice, due to some anonymous petition to the Revenue Department.

8. Accordingly, the Writ Petition is disposed of. The 1st respondent/CENTAC, Government of Puducherry, is hereby directed to intimate the interchange of the seat between the petitioner/R.Prashita Kamali and the 4th respondent/R.Pragash to the respective Colleges. The respective colleges are directed to admit the candidates and allow them to pursue their course. No costs. Consequently, connected Miscellaneous Petition is closed.

s/d-
Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

bsm
To

1. The Convener,
Centralized Admission Committee (CENTAC),
Government of Puducherry,
Pondicherry Engineering College Campus,
Puducherry.
2. The Special Officer,
The Government of Puducherry,
Department of Revenue and Disaster Management,
Puducherry.
3. Medical Council of India,
Pocket - 14, Sector - 8,
Dwarka Phase - I,
New Delhi - 110 077.

+2 Ccs to Mr.A.Edwin Prabakar, Advocate sr 76994.
+2 CCS to Mr.V.Manisekaran, Advocate sr 76754.
+1 CC to Public Prosecutor, Puducherry sr 77134.

W.P.No. 25396 of 2019

PP(CO)
SP(16/09/2019)