



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.07.2019

CORAM:

THE HONOURABLE Mr. JUSTICE R. SURESH KUMAR

W.P. (MD) Nos. 15288 and 14564 of 2018

and

W.M.P. (MD) Nos. 13130, 13792 and 13793 of 2018

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W.P. (MD) No. 15288 of 2018:

Cheral Yazhini

... Petitioner

Vs.

1. The State of Tamil Nadu,
Rep. by the Principal Secretary,
Health and Family Welfare Department,
Chennai.

2. The Director of Medical Education,
Directorate of Medical Education,
Kilpauk,
Chennai 600 010.

3. The Secretary,
Selection Committee,
Director of Medical Education,
Kilpauk,
Chennai 600 010.

4. The Common Committee,
Anna University,
Chennai 600 010.

5. S. Jayakumar

6. V. S. Gokulnath

7. B. Purvikha

8. Paruchuri Rishitha

9. R. A. Charaniya Selvam

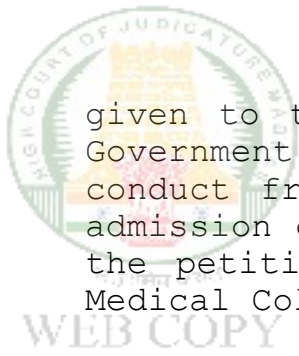
10. R. A. Rajeshwari

11. G. Kavya

12. R. U. Jananii

... Respondents

Prayer: The petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari or Mandamus, to call for the records in connection of the list of allotted candidates of 8 eminent sports person category dated 01.07.2018 for the admission of MBBS / BDS, 2018/2019 passed by the respondent No. 3 on the basis of the list of eligible sports person prepared by the respondents No. 4 and quash the same as illegal, consequently, cancel the allotment



given to the respondent Nos. 5 to 12 in MBBS / BDS in Tamil Nadu Government Medical Colleges, and direct the respondent Nos. 1 to 4 to conduct fresh counselling under sports person reservation for the admission of MBBS / BDS for the academic year 2018 - 2019 and admit the petitioner in MBBS / BDS course in any one of the Government Medical Colleges in the State of Tamil Nadu.

For Petitioner : Mr. G. Prabhu Rajadurai for
Mr. R. Alagumani

For Respondents: Mr. K. Chellapandian, AAG, assisted by
Mr. M. Rajarajan, G.A. for R1 to 3
Mr. M. Rajarajan for R4
No appearance for R5 to R10 and R12
Mr. G. Prabha Hari, for R11

W.P. (MD) No. 14564 of 2018:

Cheral Yazhini

... Petitioner

Vs.

1. The State of Tamil Nadu,
Rep. by the Principal Secretary,
Health and Family Welfare Department,
Chennai.

2. The Director of Medical Education,
Directorate of Medical Education,
Kilpauk,
Chennai 600 010.

3. The Secretary,
Selection Committee,
Director of Medical Education,
Kilpauk,
Chennai 600 010.

... Respondents

Prayer: The petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent No. 3 to admit the petitioner in MBBS course in the academic year 2018 - 2019 in any one of the Government Medical College in the state of Tamil Nadu on the basis of sports quota.

For Petitioner : Mr. G. Prabhu Rajadurai for
Mr. R. Alagumani

For Respondents: Mr. K. Chellapandian, AAG, assisted by
Mr. M. Rajarajan, G.A.



COMMON ORDER

The prayer sought for in W.P.(MD)No.15288 of 2018 is for a Writ of Certiorarified Mandamus, to quash the list of allotted candidates of 8 eminent sports persons category dated 01.07.2018 for admission in MBBS / BDS for the academic year 2018 - 2019 issued by the third respondent on the basis of the list of eligible sports persons prepared by the fourth respondent as illegal and consequently, cancel the allotment given to the respondents 5 to 12 in MBBS / BDS courses in Tamil Nadu Government Medical Colleges and direct the respondent Nos.1 to 4 to conduct fresh counselling under sports person reservation for admission in MBBS / BDS course for the academic year 2018 - 2019 and admit the petitioner in MBBS / BDS course in any one of the Government Medical Colleges in the State of Tamil Nadu.

2.The prayer sought for in W.P.(MD)No.14564 of 2018 is for a Writ of Mandamus, directing the third respondent to admit the petitioner in MBBS course for the academic year 2018 - 2019 in any one of the Government Medical Colleges in the state of Tamil Nadu on the basis of sports quota.

3.Heard Mr.Prabhu Rajadurai, learned counsel appearing for the petitioner, Mr.K.Chellapandian, learned Additional Advocate General appearing for the respondents 1 to 3, Mr.Govindarajan, learned counsel appearing for the fourth respondent in W.P.(MD) No.15288 of 2018 and Mr.G.Prabhu, learned counsel appearing for the 11th respondent in W.P.(MD)No.15288 of 2018.

4.The case of the petitioner is that she completed XII standard and applied for admission in medical courses ie., MBBS and BDS to the respondents for the academic year 2018 - 2019 specifically under sports quota. She is a table tennis player and she participated district level and divisional level tournaments fully recognized by the officiating body in sports as approved by the respondents during the year 2012 - 2013 to 2015 - 2016.

5.As per the prospectus issued by the respondents, for those who participated in the recognized sports event and obtained a certificate or medal such as, gold, silver & bronze, marks would be awarded accordingly, and for mere participation of in such events also some minimum marks would be awarded. All together, the marks to be obtained by each of the candidate in such recognized sports tournaments, would be totaled and accordingly, a ranking list giving the interse marks obtained in sports events for the sports quota, candidates would be prepared and accordingly, the seats earmarked in MBBS and BDS courses for sports quota, as per the prospectus, would be allotted by giving admission to these sports persons.

6.In this context, the learned counsel for the petitioner
[https://hccs.courts.gov.in/hccs/Annexure 3\(A\) Table-VI of the prospectus](https://hccs.courts.gov.in/hccs/Annexure%203(A)%20Table-VI%20of%20the%20prospectus.pdf), which reads

thus -

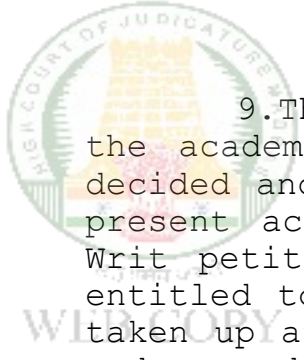
"Table (VI) - Marks for Recognised District Level Achievements

SL.No.	Competitions	Allocation of Marks			
		Gold	Silver	Bronze	Participation
1.	District Tournaments / Sports Meet / Championships conducted by District Sports / Associations (Recognized by SDAT / TNOA)	45	30	15	5
2.	District Inter School Competition / SAI Promotion Games (District Level)	45	30	15	5
3.	PYKKA - District Level Rural competition / KHELO India	45	30	15	5
4.	PYKKA District Level Women Competition / KHELO India	45	30	15	5
5.	Chief Minister Trophy / SDAT State Games - District Level	45	30	15	5

7.He also relied upon instructions Nos.3 to Category - 2 candidates which reads thus -

"3.Only tournaments officially recognized by the Indian Olympic Association / respective official National Federations will be considered for the award of marks (for each year) from 01.06.2014 to Last date of submission of application (01.06.2014 to 31.05.2015, 01.06.2015 to 31.05.2016, 01.06.2016 to 31.05.2017 and 01.06.2017 to last date of submission of application."

8.By relying upon the said clauses in the prospectus, the learned counsel for the petitioner would submit that, the petitioner, during the year 2014-2015 and 2015-2016, participated totally 7 events and she obtained gold medal in all the events except one and therefore, accordingly, maximum marks should have been awarded and if all these marks are put together, the total marks to be awarded to the petitioner for such performance in the recognized sports event would come at least 300, whereas, the respondents awarded only 90 marks to the petitioner and by virtue of the allotment of very low marks of 90 instead of 300, the petitioner lost her chance of getting admission in MBBS / BDS course for the academic year 2018 - 2019 under the eminent sports person's quota. Therefore, in order to get admission for such course in commensurate with the marks, which she claimed to have obtained 300 instead of 90, the petitioner approached this Court with the aforesaid prayer.



9. Though the Writ petitions were filed in the year 2018, for the academic year 2018 - 2019 admission, the same have been not decided and it have been kept pending, therefore, at least for the present academic year, since the petitioner wanted to pursue the Writ petitions and to get a decision as to whether she would be entitled to claim admission in such medical courses, this case was taken up at the instance of the learned counsel for the petitioner and accordingly, this case is taken up for hearing and during the course of hearing, the learned counsel for the petitioner as well as the learned Additional Advocate General appearing for the respondents made their submissions.

10. On the said submissions made by the learned counsel for the petitioner by relying upon the aforesaid aspects, the learned Additional Advocate General appearing for the respondents has very much relied upon the ranking list submitted by the respondents, which has, in fact, been filed in the typed set of papers by the petitioner herself.

11. In the said list of eligible sports persons released by the respondents for consideration for admission in MBBS and BDS courses under sports quota for the academic year 2018 - 2019, the respondents considered 44 candidates. The first among the 44 candidates was awarded 590 sports marks and the last candidate was awarded 110 marks. Since the petitioner was awarded only 90 marks, she was not placed in the said consideration of the 44 candidates and she was out of the said list.

12. In this context, the issue raised by the petitioner is that, as per the instructions given by the respondents as reflected in the prospectus, the petitioner should have been awarded 300 marks. Had she been awarded 300 marks, definitely, she would have found place in the list of candidates placed for consideration and had she been placed in the list of candidates for consideration, definitely she would have also been in a position to get a seat either in MBBS course or BDS course.

13. However, the learned Additional Advocate General repudiating the said stand taken by the petitioner through the learned counsel for the petitioner, made submissions that, as per the sports quota reservation, which is nothing but a horizontal reservation, only 7 seats are earmarked for eminent sports persons, in MBBS course, and one seat for BDS course. All together only 8 seats were earmarked for sports persons under sports quota.

14. In this context, the learned Additional Advocate General has pointed out that, without going into the controversy as to whether the petitioner is entitled to have the 300 marks, for the shake of argument, if 300 marks is allotted to the petitioner, even then, there had been 15 persons ahead of the petitioner as the 15th

person in the said list was awarded 305 marks. Out of these 15, since only 7 seats were reserved. The first 7 persons alone would have been accommodated and even the remaining 8 persons would not have been in a position to be in the zone of consideration as the last person, who was admitted in MBBS course during 2018 - 2019 under sports quota was awarded or had obtained 425 sports marks. Therefore, assuming without admitting that the petitioner is entitled for 300 marks and if it is awarded, the petitioner would not have been placed in the zone of consideration. Therefore, the question of consideration of her candidature for admission under sports quota in MBBS and BDS course does not arise.

15. In order to appreciate the said stand and arguments advanced by the learned Additional Advocate General appearing for the respondents, this Court has given its anxious consideration to the list of 44 candidates, who have been put under zone of consideration for admission in sports category for MBBS and BDS courses for the year 2018 - 2019. For the shake of deciding the present Writ petition only the list of candidates upto serial 15 alone are extracted hereunder -

SNO.	ARNO	NAME	COMMUNITY	SPORTS MARK
1	29004	JAYA KUMAR S	MBC / DNC	590
2	29146	GOKULNATH VS	BC	575
3	29257	PURVIKHA B	BC	505
4	29166	PARUCHURI RISHITHA	OC	480
5	29233	CHARANIYA SELVAN RA	BC	480
6	29120	RAJESHWARI RA	BC	445
7	29171	G KAVYA	BC	425
8	29114	JANANII RU	MBC / DNC	410
9	29030	HUMRITHA K	MBC / DNC	395
10	29025	REEHA JAEL B	BC	390
11	29033	PRIYA K	BC	360
12	29184	KAVIYAA E	BC	335
13	29148	HIMA BINDHU G	SC	335
14	29135	MANOJ KUMAR R	BC	305
15	29277	VIMAL V	MBC / DNC	305

16. As has been rightly pointed out by the learned Additional Advocate General, without going into the controversy as to whether the petitioner is entitled to have 300 marks, or not or she is only entitled to the 90 marks, which has already been awarded to the petitioner, assuming that the petitioner is entitled for 300 marks, and with that 300 marks, whether the petitioner would have achieved in getting admission in MBBS or BDS course is to be looked into.



17.As rightly pointed out by the learned Additional Advocate General, the 15 persons, who are found place in the list of 44 persons under sports quota and their marks have been given in the said table, which has been extracted herein above.

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18.The first person was awarded 590 marks and the 15th person was awarded 305 marks. Since there has been only 7 + 1 seats earmarked for sports quota, absolutely, there is no scope for any sports person, who was awarded 300 marks to get a seat either in MBBS or BDS course for the academic year 2018 - 2019. Therefore, the claim of the petitioner, even for the shake of argument, if it is accepted, and 300 marks is awarded to the petitioner, even then, the petitioner cannot achieve her goal for admission in MBBS or BDS courses.

19.Therefore, the plea raised by the petitioner that she should have been given admission under sports category and the admission given to the private respondents should be cancelled and a readmission process and counseling could be undertaken, are all nothing but a myth as there is no enough marks for the petitioner to reach the zone of consideration. Therefore, the plea raised by the petitioner, in the considered view of this Court, un-doubtly, cannot be granted, as the petitioner, admittedly, did not reach the zone of consideration.

20.Therefore, going into the controversy, as to whether the petitioner is entitled to the marks of 300 as claimed by her and the marks of 90 awarded to the petitioner are right one or not, would be mere an academic exercise, this Court does not ponder into those issue at this juncture in view of the facts of this case and leave that issue open to decide in an appropriate case at a later point of time.

21.For all these reasons, these Writ petitions fail. Accordingly, the same are dismissed. No costs. Consequently, connected W.M.Ps.are closed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

nbj



To

1. The Principal Secretary,
Health and Family Welfare Department,
Chennai.

2. The Director of Medical Education,
Directorate of Medical Education,
Kilpauk,
Chennai 600 010.

3. The Secretary,
Selection Committee,
Director of Medical Education,
Kilpauk,
Chennai 600 010.

4. The Common Committee,
Anna University,
Chennai 600 010.

+1 CC to M/s. G. PRABAHARI, Advocate (SR-75602[F] dated 16/07/2019)

+2 CC to M/s. M. RAJARAJAN, Advocate (SR-75818 & 75819)

+1CC TO MR. R. ALAGUMANI, Advocate Sr. No. 76510

+1 CC to M/s. SPL GP (SR-75682[F] dated 17/07/2019)

**W.P. (MD) Nos. 15288 and 14564 of 2018
16.07.2019**

avs (CO)
TR(30.12.2019) 8P 10C