

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.11.2020

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.16640 of 2020

K.Nagarajan

... Petitioner

vs

- 1.The Secretary to Government of Tamil Nadu, ... Respondents
Ministry of Health & Family Welfare,
Secretariat, Fort St.George,
Chennai-600 009.
- 2.The Secretary Selection Committee,
Office of the Director of Medical
Education of Tamil Nadu,
No.162, Periyar E.V.R.High Road,
Chennai-10.
- 3.National Medical Commission,
Pocket-14, Sector-8, Dwarka Phase-1,
New Delhi-110 077.
- 4.Dental Council of India,
Aiwan-E-Galib Marg,
Kotla Road, Temple Lane,
Opp. Mata Sundari College for Women,
New Delhi- 110 002.

Writ Petition filed under Article 226 of Constitution of India, seeking Writ of Mandamus, directing the respondents to extend the benefits of the G.O.(Ms).No.438 Health and family welfare department dated 29.10.2020 and permit the petitioner's daughter Ms.N.Divayadharshini (application no.611193) to participate in the special counselling to be held for the admission to MBBS/BDS under the 7.5% government quota.

For Petitioner : Mr.A.E.Kalaiselvan

For Respondents : Mr.E.Manoharan for R1
Special Government Pleader

Mr.Abdul Saleem for R2
Standing Counsel

Mr.V.P.Raman for R3

ORDER

The present Writ Petition has been filed for the issue of a writ of mandamus directing the respondents to extend the benefits of G.O.Ms.No.438 dated 29.10.2020, to the daughter of the petitioner and permit her to participate in the counselling under the 7.5% Government Quota.

2.Heard Mr.A.E.Kalaiselvan, learned counsel for petitioner, Mr.E.Manoharan, learned Special Government Pleader for 1st respondent, Mr.Abdul Saleem, learned Standing Counsel for 2nd respondent and Mr.V.P.Raman, learned counsel appearing on behalf of the 3rd respondent.

3.The admitted case of the petitioner is that his daughter studied in the Government School in Tamil medium from 1st standard to 10th standard. Thereafter, she studied 11th and 12th standard in a Private School. The daughter of the petitioner has secured 947 marks out of 1200 marks. The petitioner is claiming for the benefits of the Government Order and wants to participate in the counselling under the 7.5% quota that has been allotted to the students, who undergo their education in State Government Schools.

4.Clause 6 of the Government Order provides the eligibility for students to come under the 7.5% quota. A student must have studied from 6th standard to 12th standard in the State Government School. The only exception that is provided is given in the explanation to Clause 6, which provides that those children belonging to weaker section and disadvantaged group who have studied up to 8th standard in a specified category school or an unaided school and has done the remaining standards up to 12th standard in the State Government School, will also be eligible to be considered under the 7.5% quota.

5.In the present case, the petitioner does not fulfill the eligibility that is provided under Clause (6) of the Government Order. Admittedly, the petitioner's daughter has done her 11th and 12th standard in a Private School. Therefore, the petitioner's daughter is not entitled to be considered under the 7.5% quota provided by the Government Order.

6. In the result, this Writ Petition is dismissed. No costs.

-Sd/-

Assistant Registrar (CS)

// True Copy //

Sub Assistant Registrar

To

1.The Secretary to Government of Tamil Nadu,
Ministry of Health & Family Welfare,
Secretariat,
Fort St.George,
Chennai-600 009.

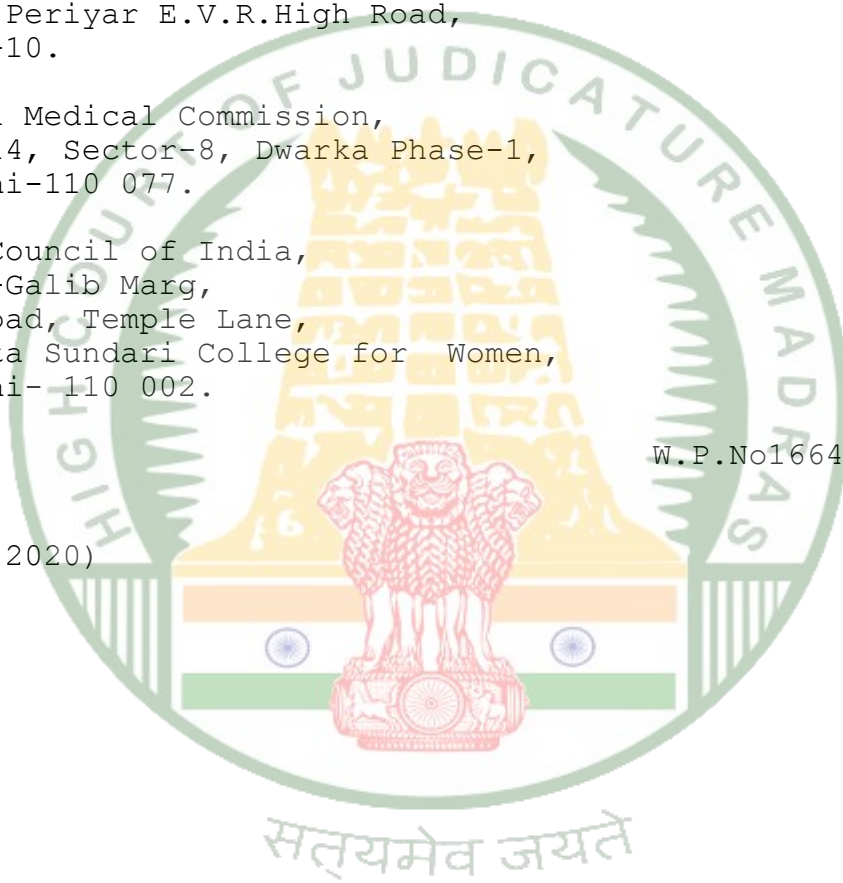
2.The Secretary Selection Committee,
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