

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.12.2020

CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

W.P.No.17056 of 2020
and W.M.P.No.21130 of 2020

Minor K.Sibi

Represented by his mother and
natural guardian Mrs.Nathiya Krishnan

...Petitioner

Vs

1. The State of Tamil Nadu,
Rep. by Principal Secretary to Government,
Health and Family Welfare Department,
Fort St. George, Secretariat,
Chennai - 600 009.
2. The Director of Medical Education,
Kilpauk,
Chennai - 600 010.
3. The Secretary,
Selection Committee,
Directorate of Medical Education,
Kilpauk, Chennai - 600 010.
4. National Medical Commission,
Rep.by its Chairman,
Pocket 14, Sector - 8,
Dwaraka Phase - I,
New Delhi - 110 077.

... Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents to consider the petitioner's candidature (Application No.200411636447-NEET(UG)-2020 Examination) on priority basis under the 7.5% quota for Government School Students in Under graduate medical courses as per G.O.(Ms).No.438 dated 29.10.2020 by Health and Family Welfare (MCA-1) Department, by extending the benefit under clause 8(i) of the said G.O as the petitioner has studied in the Government School from eight to twelfth standard.

For Petitioner	:	Mr.C.Prabakaran
For Respondents	:	Mr.E.Manoharan, SGP

ORDER

This writ petition has been filed for the issue of writ of mandamus directing the respondents to consider the candidature of the petitioner under 7.5% quota in G.O.Ms.No.438 dated 29.10.2020.

2.The admitted case of the petitioner is that he has studied in a Government School only from eighth to twelfth standard and the requirement under the Government Order for claiming preference under this quota is that the candidate should have studied in a Government School from sixth standard to twelfth standard. The petitioner is literally asking for dispensing with sixth and seventh standard that was studied by him, in some other private school and the petitioner wants his candidature to be considered under this Government Order.

3.The Government Order itself is a policy decision taken by the Government and any person who claims benefit under this Government Order will have to satisfy all the requirements. The fact as to why the Government Order required a candidate to undergo the schooling from sixth to twelfth standard, instead of eighth to twelfth standard, is an issue into which this Court cannot go into. The petitioner does not have the legal right to claim for such an exemption in order to consider his candidature under 7.5% quota.

4.In view of the above, this Court does not find any ground to entertain this writ petition and accordingly, the same is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Principal Secretary to Government,
Health and Family Welfare Department,
Fort St. George, Secretariat,
Chennai - 600 009.

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

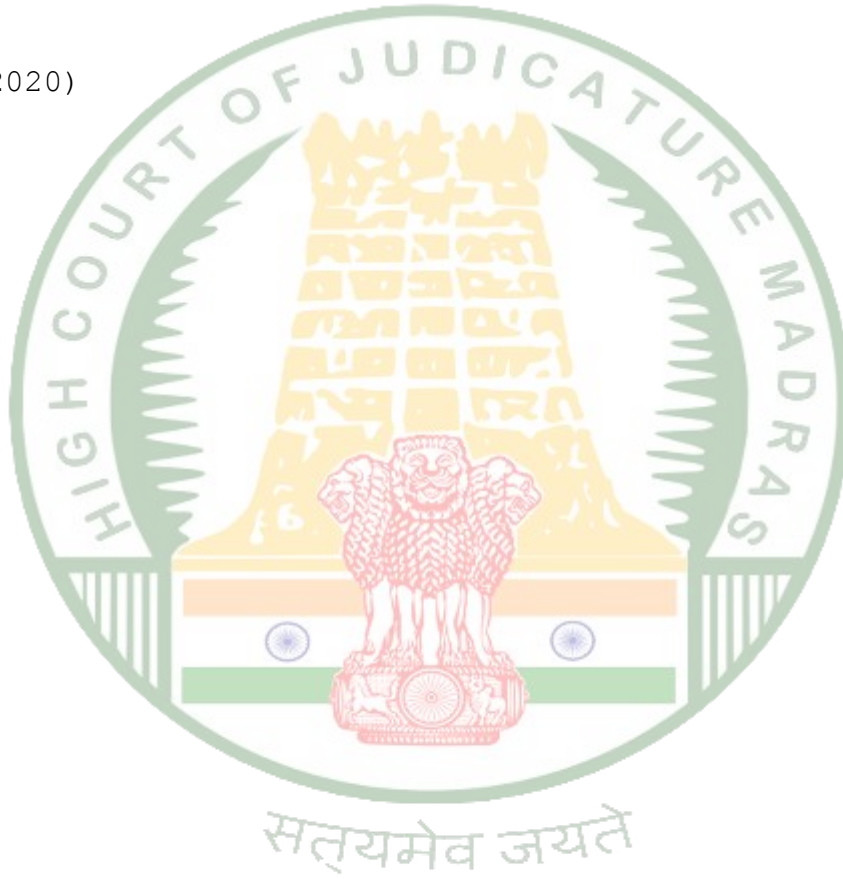
3. The Secretary,
Selection Committee,
Directorate of Medical Education,
Kilpauk, Chennai - 600 010.

4. The Chairman,
Pocket 14, Sector - 8,
Dwaraka Phase - I,
New Delhi - 110 077.

+2ccs to Mr.C.Prabhakaran, Advocate in SR.NO..38935, 39293
+1cc to the Government Pleader in SR.NO..39069

W.P.No.17056 of 2020
and WMP.No.21130 of 2020

VG-II (CO)
RV(22/12/2020)



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