

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.12.2020

CORAM :

The HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P.No.19639 of 2020 and
W.M.P. No24268 of 2020

R.Manigandan

...Petitioner

v.

- 1.State of Tamil Nadu,
Rep. By its Principal Secretary,
Health and Family Welfare Department,
Fort St. George, Chennai - 9.
 - 2.The Secretary,
Selection Committee,
Directorate of Medical Education,
162, Periyar E.V.R. High Road,
Kilpauk, Chennai - 600 010.
 - 3.The Director of Medical Education,
Directorate of Medical Education,
No.162, Periyar E.V.R. High Road,
Kilpauk, Chennai - 600 010.
 - 4.The Union Territory of Puducherry,
Represented by its Principal Secretary,
Health and Family Welfare Department,
Main Block of the Old Maternity Hospital Complex,
Victor Simonel Street,
Puducherry - 605 001.
- ...Respondents

Writ Petition filed under Article 226 of the Constitution of India for issuing a Writ of Mandamus, directing the respondents 1 to 3 to admit the petitioner for MBBS course for the academic year 2020-2021 in Tamil Nadu Government Medical Colleges by extending the benefit to of the G.O.Ms.No.438, dated 29.10.2020 issued by the 1st respondent to the petitioner.

For Petitioner : Ms. Kavitha Deenadayalan
For Respondents : Mr.E. Manoharan
Special Govt. Pleader - R1 & R3

Mr. Abdul Salem,
Standing Counsel - R2

Mr. A.V. Ramalingam
Addl. Govt. Pleader (P) - R4

O R D E R

The petitioner has filed the above Writ Petition to issue a Writ of Mandamus directing the respondents 1 to 3 to admit the petitioner for MBBS course for the academic year 2020-2021 in the Tamil Nadu Government Medical Colleges by extending the benefit of G.O.Ms.No.438, dated 29.10.2020 issued by the 1st respondent to the petitioner.

2.1 It is the case of the petitioner he scored 500/720 in the National Eligibility Cum Entrance Test (NEET) and aspired to get a medical seat. According to the petitioner, he is residing in P.S. Palayam Main Road, Kumulam, Villupuram District, State of Tamil Nadu and studied his schooling within the Union Territory of Puducherry. According to the petitioner, the distance between his residence and the school is very short.

2.2 Further it is the case of the petitioner that the Pondicherry Centralized Admission Committee (CENTAC) under the 4th respondent issued its prospectus for admissions to Medical Colleges for the year 2020-2021 wherein under clause 4(B)(i) the petitioner was ineligible for getting admission in MBBS course under Government quota seats. As per clause 4(B)(i), only candidates who are resident of the Union Territory of Puducherry are eligible for admission in MBBS course under Government quota seats. In these circumstances, the petitioner applied for the admission in the Tamil Nadu Government Medical College under Application No.611738 and claimed that since he studied in the Government School, he is eligible for a seat under the preferential basis of 7.5% reservation quota seats reserved for students who studied in the State Government Schools as per the Tamil Nadu Admission to undergraduate courses in Medicine, Dentistry, Indian Medicine and Homeopathy on preferential basis to students of Government Schools, Act 2020 [Tamil Nadu Act 34 of 2020]. The petitioner also attended the counseling, however, his name did not appear under the 7.5% reservation quota and when he enquired, he was

informed that his case was not considered under the Special Act for the reason that he studied in a Government School in the Union Territory of Puducherry.

2.3 In these circumstances, the petitioner has filed the Writ Petition to direct the respondents 1 to 3 to admit the petitioner for MBBS course in the Tamil Nadu Government Medical Colleges by extending the benefit of G.O.Ms.No.438, dated 29.10.2020.

3. The respondents 1 to 3 filed a counter wherein it has been stated that the main objective of 7.5% preferential reservation is to provide inner reservation for the students who have studied in Government Schools of Tamil Nadu from 1st standard to 12th standard and have passed NEET Examination to secure MBBS/BDS seats in Tamil Nadu Medical/Dental Colleges. According to the respondents 1 to 3, the "Government Schools" means and includes Government Schools, Corporation Schools, Municipal Schools, Adi Dravidar and Tribal Welfare Schools, Kallar Reclamation Schools, Forest Department Schools and other Schools managed by Government. Further, the children belonging to weaker section and disadvantaged group who have studied upto 8th standard in a specified category school or an unaided school, as per clause (c) of sub section (1) of section 12 of the Right of Children to Free and Compulsory Education Act, 2009 and studied all remaining standards up to Higher Secondary Course in a Government School and qualified in the National Eligibility-cum-Entrance Test, shall be deemed to be Students studied in Government Schools.

4. On a reading of G.O.Ms.No.438, dated 29.10.2020, it is clear that for availing the benefit under the said G.O., the candidates should have studied the school in the State of Tamil Nadu. In the case on hand, admittedly, the petitioner did his schooling at Pavendar Bharathidasan Government Higher Secondary School, P.S. Palayam, Pondicherry. The Government Order in G.O.Ms.No.438 does not give any exemption for the candidates who have resided in the State of Tamil Nadu and studied schooling in some other State. The main criteria under the Act is that the candidates should have studied the schooling in the State of Tamil Nadu for availing the benefit under the said G.O.

5. Admittedly, the petitioner had studied his schooling in the Union Territory of Puducherry, therefore, he is not entitled to claim a seat under 7.5% preferential quota. In these circumstances, this Court cannot extend the benefits given under the said G.O. to the petitioner who did his schooling in the Union Territory of Puducherry. In these

circumstances, I do not find any merit in the Writ Petition. Accordingly, the Writ Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

Rj

To

1. The Principal Secretary,
State of Tamil Nadu,
Health and Family Welfare Department,
Fort St. George, Chennai - 9.
2. The Secretary,
Selection Committee,
Directorate of Medical Education,
162, Periyar E.V.R. High Road,
Kilpauk, Chennai - 600 010.
3. The Director of Medical Education,
Directorate of Medical Education,
No.162, Periyar E.V.R. High Road,
Kilpauk, Chennai - 600 010.
4. The Union Territory of Puducherry,
Represented by its Principal Secretary,
Health and Family Welfare Department,
Main Block of the Old Maternity Hospital Complex,
Victor Simonel Street,
Puducherry - 605 001.

+1cc to M/s.Kavitha Deenadayalan, Advocate, S.R.No.43131
+1cc to the Government Pleader, S.R.No.43141

WEB COPY

W.P.No.19639 of 2020 and
W.M.P. No24268 of 2020

LN(CO)
KKV/30/12/2020