



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **03.12.2020**

CORAM:

THE HONOURABLE MR.JUSTICE **S.VAIDYANATHAN**

W.P (MD) No.17438 of 2020

and

W.M.P. (MD) .No.14581 of 2020

K.Wilson

... Petitioner

Vs.

1.The State of Tamil Nadu,
Rep. by the Principal Secretary to the Government,
Health and Family Welfare (MCA.1) Department,
Chennai.

2.The Director of Medical Education,
Kilpauk,
Chennai.

3.The Chief Educational Officer,
Tirunelveli,
Tirunelveli District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the the respondents to extend the benefit of government notification issued in G.O.Ms.No.438 (Health and Family Welfare(MCA-1) Department), dated 29.10.2020 to the petitioner by considering the petitioner's school education of VI Std., to VIII Std., as that of "studied in State Government Schools"and consequently provide the petitioner an admission to under graduation course of MBBS in this current academic year 2020-2021.

For Petitioner	: Mr.R.Anand Mr. Sricharan Rangarajan, AAG, Asst.by
For Respondents	: Mr.K.P.Krishnadoss Special Government Pleader

ORDER

This writ petition has been filed for issuance of a direction to the respondents to extend the benefit of government notification issued in G.O.Ms.No.438 (Health and Family Welfare(MCA-1)



Department), dated 29.10.2020 to the petitioner by considering the petitioner's school education from Standard VI to Standard VIII as that of "studied in State Government Schools" and consequently provide the petitioner an admission to under graduation course of MBBS in this current academic year 2020-2021.

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2. Mr.K.P.Krishnadoss, learned Special Government Pleader takes notice for the respondents. By consent, the writ petition is taken up for disposal at the admission stage itself.

3. The learned counsel for the petitioner would submit that the petitioner studied from Standard I to Standard VIII in Holy Cross Middle School at Valliyoor, which is a Government Aided School. He further submitted that though the petitioner got 330 marks in the National Eligibility cum Entrance Test (NEET) and his name has been shown as Serial No.10 out existing 405 vacancies reserved under the 7.5% reservation category, the petitioner has not been considered for the said reservation. Hence, the petitioner sent a detailed representation to the second respondent on 09.11.2020. Moreover, from 04.12.2020 (tomorrow) onwards the students coming under 7.5% reservation as per the said G.O., would be counseled for admission. In such circumstances, the petitioner has come forward with the present Writ Petition praying to reserve a seat for him pending the writ petition.

4. Mr.K.P.Krishnadass, learned Special Government Pleader would submit that the Hon'ble Division Bench of this Court, by order, dated 18.11.2020, in W.P.(MD).No.16375 of 2020, has held that the 7.5% of reservation meant exclusively for the Government School Students, who have studied from Standard VI to Standard XII in Government Schools, as per the Government Order in G.O.Ms.No.438 (Health and Family Welfare (MCA-1) Department), dated 29.10.2020 and he has also produced a copy of the said order of the Hon'ble Division Bench and prayed for dismissal of this petition.

5. Heard Mr.R.Anand, learned counsel appearing for the petitioner and Mr.K.P.Krishnadoss, learned Special Government Pleader appearing for the respondents.

6. Admittedly, the petitioner studied in a Government Aided School from Standard I to Standard VIII. Unless and otherwise students studied from Standard VI to Standard XII in Government Schools, they will not be entitled to claim admission under the preferential quota for Government School Students, as per the Government Order in G.O.Ms.No.438 (Health and Family Welfare (MCA-1) Department), dated 29.10.2020. The Hon'ble Division Bench of this Court, by order dated 18.11.2020, in W.P.(MD).No.16375 of 2020 has upheld the same. Since the petitioner studied three years from Standard VI to Standard VIII in a Government Aided School, he cannot be termed as Student studied in Government Schools and he is not entitled to get any relief sought for in this writ petition.



7. Accordingly, this Writ Petition stands dismissed. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

PJL

Note:In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The Principal Secretary to the Government,
The State of Tamil Nadu,
Health and Family Welfare (MCA.1) Department,
Chennai.
- 2.The Director of Medical Education,
Kilpauk,
Chennai.
- 3.The Chief Educational Officer,
Tirunelveli,
Tirunelveli District.

+1 CC to SPL GP (SR-24275[F] dated 07/12/2020)

W.P (MD) No.17438 of 2020

03.12.2020

VB (21.12.2020) 3P 5C