

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:06.01.2021

Coram

The HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.Nos.210 & 216 of 2021

and

W.M.P.Nos.275 & 281 of 2021

P.Hari Priya

D/o P.Raghunadha Reddy Petitioner in W.P.210/2021

Sai Pranathi Somavarapu

D/o S.Sridhar Petitioner in W.P.216/2021

vs.

- 1.The State of Tamilnadu,
rep. By its Principal Secretary to Government,
Health and Family Welfare Department,
Secretariat,
Fort St.George,
Chennai - 600 009.
2. The Director of Medical Education,
No.162, Periyar E.V.R. High Road,
Kilpauk,
Chennai - 600 010.
3. The Additional Director of Medical Education/
The Secretary, Selection Committee,
Directorate of Medical education,
No.162, Periyar E.V.R.High Road,
Kilpauk,
Chennai - 600 010.
4. The National Medical Commission,
Pocket 8, Dwarka,
New Delhi - 110 007. Respondents in both the W.Ps.

Prayer in W.P.No.210/2021

Petition filed under Article 226 of the Constitution of India praying to issue a writ of Mandamus to direct the respondents to consider the plea of the petitioner bearing Application No.703489 holding 7115th rank and scored 360 marks and admit the petitioner under the special category of Telugu

Linguistic Minority persons for admission of M.B.B.S. Course in self Financing Medical Colleges under Management quota for MBBS on merits for the academic year 2020-2021.

Prayer in W.P.No.216/2021

Petition filed under Article 226 of the Constitution of India praying to issue a writ of Mandamus to direct the respondents to consider the plea of the petitioner bearing Application No.711604 holding 7092nd rank and scored 361 marks and admit the petitioner under the special category of Telugu Linguistic Minority persons for admission of M.B.B.S. Course in self Financing Medical Colleges under Management quota for MBBS on merits for the academic year 2020-2021.

For Petitioners	..	Mr.S.Hemalatha
For Respondents	...	Mr.E.Manoharan,
		Spl.Govt.Pleader for R1 & R2
		Mr.Abdul Saleem,
		Standing Counsel for R3
		Mr.V.P.Raman,
		Standing Counsel for R4

COMMON ORDER

The petitioners who applied for M.B.B.S. Course under the special category of Telugu Linguistic Minority Persons, have approached this Court seeking for Writ of Mandamus to consider their Application Nos.703489 and 711604 respectively. They are holding 7115th and 7092nd rank and scored 360 & 361 marks respectively. They seek admission under the special category of Telugu Linguistic Minority persons for admission to M.B.B.S. Course in self Financing Medical Colleges under Management quota on merits for the academic year 2020-2021.

2. The grievance of the petitioners is that though they are having all eligibility criteria for admission under the Telugu Linguistic Minority quota in the Self Financing Medical Colleges, they are not considered by the respondents.

3. These Writ petitions were moved as a Lunch Motion on 05.01.2021 and Mr.E.Manoharan, learned Special Government Pleader took notice for the 1st and 2nd respondents, Mr.Abdul Saleem, learned Standing counsel took notice for the 3rd respondents and Mr.V.P.Raman, learned Standing Counsel took notice for the 4th respondent. The matter was adjourned today for getting instructions by the learned counsels appearing for the respondents.

4. Mr.Abdul Saleem, learned Standing counsel appearing for the 3rd respondent, based on the instruction, submitted that the call letters were issued to the petitioners/candidates, but the petitioners have not produced the Parents Study Certificate in Tamilnadu (either father or mother), Transfer Certificate,

SSCL/10th, 12th Mark Sheet/ First Graduate Certificate/No Graduate Certificate along with their application as directed in the Instructions in Call Letter for Counselling and therefore, they were not considered during the counselling held on 24.12.2020.

5. Learned counsel for the petitioners, referring the Prospectus issued by the respondents, submitted that the Eligibility For Minority Seats is mentioned in Clause 4 of the Prospectus, which reads as follows:

ELIGIBILITY FOR MINORITY SEATS:

1. The candidates who are eligible to claim Linguistic Minority seats reflecting their mother tongue (Telugu and Malayalam) should produce the Study Certificate issued by the Head of the Institution last studied - Annexure VIII a) or a certificate issued by the competent revenue authority of the candidate's native jurisdiction - Annexure VIII (b)
2. The candidates who are eligible to claim Religious Minority seats (Christian) which is notified minority community as per Section 2(c) of National Commission for Minorities Act, 1992, should produce the Study Certificate issued by the Head of the Institution last studied - Annexure VIII(a) or a certificate issued by the competent revenue authority of the candidate's native jurisdiction - Annexure VIII(b).

The procedures for filing and submitting the online application are also prescribed in Clause 7 of the Prospectus. The petitioners have enclosed all the relevant certificates along with their application before the 3rd respondent during counselling. But without considering the same, the concerned authorities, who conducted the counselling, rejected the petitioners on the ground that they have not enclosed the certificate of their parents, which is not the requirement as mentioned in the Prospectus.

6. On a careful perusal of the prospectus, it is seen that the said condition stipulated subsequently in the notification has not been incorporated either in Clause 4-Eligibility For Minority Seats or in Clause 7, the requirements in Online Application Form and therefore, it cannot be insisted upon.

7. Therefore, the respondents are directed to consider the case of the petitioners in accordance with the Prospectus and procedures and if they are otherwise eligible, they shall be considered for M.B.B.S. Course in the Telugu Linguistic Minority quota.

8. With the above observation, these Writ Petitions are

allowed. No costs. Consequently, connected miscellaneous petitions are closed.

9. Mr.Abdul Saleem, learned counsel for the 3rd respondent shall communicate the order of this Court to the concerned authorities so as to enable them to comply with the same.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

vsi

To

1. The Principal Secretary to Government,
Health and Family Welfare Department,
Secretariat,
Fort St.George,
Chennai - 600 009.
2. The Director of Medical Education,
No.162, Periyar E.V.R. High Road,
Kilpauk,
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3. The Additional Director of Medical Education/
The Secretary, Selection Committee,
Directorate of Medical education,
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Chennai - 600 010.
4. The National Medical Commission,
Pocket 8, Dwarka,
New Delhi - 110 007.

+1cc to Mr.V.P.Raman, Advocate, S.R.No. 868(08/01/2021)

W.P.Nos.210 & 216 of 2021

SR II(CO)
GN(07/01/2021)