

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.01.2021

CORAM

THE HONOURABLE Mr. JUSTICE B.PUGALENDHI

W.P. No. 635 of 2021

and W.M.P. No.697 of 2021

M.Shakkiya

... Petitioner

Vs

- 1.The Union Territory of Puducherry,
Rep. by Secretary to Government,
Health Department,
Secretariat, Beach Road,
White Town, Puducherry - 605 001.
- 2.Centralised Admission Committee (CENTAC),
Rep. by Coordinator,
PEC Campus, ECR Road,
Pillaichavadi,
Puducherry - 605 014.
- 3.The National Medical Commission,
Rep. by its Secretary,
Pocket -14, Sector - 8,
Dwaraka Phase - I, New Delhi - 110077.
- 4.Indira Gandhi Medical College and Research,
Institute Rep. by its Director,
Kathirkamam, Puducherry - 605 009.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus or any other appropriate Writ, Director or Order in the nature of a Writ, directing the respondents to provide one seat at Backward Class Muslim in Karaikal region for admission into 1st year MBBS course for 2020-2021 in 4th respondent Indira Gandhi Medical College and Research Institute, Puducherry and consequently grant admission to the petitioner to the 1st year MBBS Course in 4th respondent Indira Gandhi Medical College and Research Institute, Pondicherry.

For Petitioner : Mr. M.Ravi
 For Respondents 1 & 2 : Mr. J.Kumaran
 3 : Mr. P.V.Raman

O R D E R

This Writ Petition has been filed for the issuance of Writ of Mandamus directing the respondents to provide one seat at Backward Class Muslim in Karaikal region for admission into 1st year MBBS course for the academic year 2020-2021 in the 4th respondent / Indira Gandhi Medical College and Research Institute, Puducherry and for a consequential direction to admit the petitioner in the said Medical College.

2. It is seen that the available seats for admission in the 1st year M.B.B.S. course in the fourth respondent college has been allotted to all regions on vertical reservation by the Centralised Admission Committee (CENTAC), as follows:

Regions	Total seats	Vertical reservation										Horizontal Reservation			
		Gen 40%	EWS 10%	OBC 11%	MBC 18%	SC 16%	ST 5%	EBC 2%	BCM 2%	BT 5%	PH 5%	FF 4%	EXM 1%	MSP 1%	
Puducherry 75%	106	42	11	12	19	17	01	02	02	00	05	04	01	01	
Karaikal 18%	26	10	03	03	05	04	00	01	00	00	01	01	00	00	
Yanam 3%	04	02	00	00	01	01	00	00	00	00	00	00	00	00	
Total	136	54	14	15	25	22	01	03	02	00	06	05	01	01	

Region	Total Seats	Vertical Reservation										Horizontal Reservation			
		Gen 40%	EWS 10%	OBC 16%	MBC 7%	SC 16%	ST 0.5%	BCM 10%	BT 0.5%	FF 4%	PH 5%	EXM 1%	MSP 1%		
Mahe 4%	06	02	01	01	00	01	00	01	00	00	00	00	00	00	
Total	06	02	01	01	00	01	00	01	00	00	00	00	00	00	

As per the above reservation, out of the total 142 seats, 106 seats (75%) are allotted to Puducherry region, 26 seats (18%) are allotted to Karaikal region; 4 seats (3%) are allotted to Yanam region and 6 seats (4%) are allotted to Mahe region. Among these vertical reservations, Backward Class-Muslim (BCM) candidates are eligible for 2% quota in respect of Puducherry, Karaikal and Yanam regions and 10% quota in respect of Mahe region and accordingly, the seats were allotted. But, in this year's allotment, not even a single seat has been allotted for BCM category in the Karaikal region.

3. Mr.M.Ravi, learned Counsel for the petitioner, by referring the seat allotments made to Karaikal and Mahe regions, would submit that on the 4% reservation for Mahe region, among the 6 seats, 1 seat was allotted for BCM category, whereas, even though 18% (26 seats) of seats were reserved for the Karaikal region, no seat was allotted for BCM category. He would further submit that Karaikal region is having more Muslim population, but the Centralised Admission Committee (CENTAC) is not allocating adequate seats for the said category.

4. Mr.M.Ravi, the learned Counsel for the petitioner would further submit that there are unfilled vacancies among the other categories reserved for Karaikal region and therefore, at least, on the available vacancies from the other categories, some representation may be provided for BCM category of Karaikal region. He further claims that the petitioner has made several representations in this regard and in fact, this issue has also been addressed by the Hon'ble Minister for Agriculture and Farmer's Welfare, Puducherry, by letter dated 02.12.2020, as follows:

"It has been stated therein that the seat reserved under BCM quota is not extended to the wards of muslim community people living in Karaikal region every year. Instead, it is given in alternate years. Since the minority muslim population is quite large when compared to the other regions of the Union Territory, they request reservation of 1 seat permanently under BCM quota for Karaikal region every year. It is also stated therein that the intake of student in Indira Gandhi Medical College & Research Institute has been enhanced from 150 to 180 from last year and hence it may not be difficult to reserve 1 seat exclusively for Karaikal muslim students under the BCM quota."

5. Mr.J.Kumaran, learned Government Pleader appearing for the respondents 1 & 2 submits that the allotment of seats are made based on the decision taken by the Government for reservation in G.O.Ms.No. 8/2010/Wel./SW-V, dated 28.08.2010 and G.O.Ms.No.7/SWS/2017, dated 03.07.2017. The seat matrix has been arranged as per the guidelines in the abovesaid government orders and accordingly, Karaikal region is allotted with 18% of seats, ie., 26 seats for the 1st year M.B.B.S. course admission. He would further submit that among the 26 seats, the 2% reservation for BCM category works out to 0.52, which is less than one and therefore, one seat is provided to BCM category in alternative academic years.

6. The learned Government Pleader would further submit that for the Economically Backward Class (EBC) category, the very same yardstick is followed, since the 2% reservation for EBC category also works out to less than one and therefore, one seat is allotted in alternative years for EBC and BCM categories.

7. Mr.M.Ravi, learned Counsel for the petitioner sought indulgence of this Court to issue a direction to the respondents to consider the representation of the petitioner dated 30.12.2020 on or before the cut-off date for admission to the medical course for the Academic Year 2020-21, since the issue has also been raised by the Hon'ble Minister for Agriculture and Farmer's Welfare. As an alternative submission, the learned Counsel prayed that among the unfilled vacancies available in the other categories, one seat may be provided for BCM category this year.

8. Heard the learned Counsel appearing on either side and perused the documents placed on record.

9. The case of the petitioner is that though the Karaikal region is having more Muslim population, the students from Backward Class-Muslim (BCM) category were not given adequate representation by the Centralised Admission Committee (CENTAC). By providing seats in alternative years, the petitioner's chances are deprived. It appears, the Hon'ble Minister for Agriculture and Farmer's Welfare, Puducherry, has also raised this issue vide his letter dated 02.12.2020. Therefore, this Court is inclined to issue the following directions:

"the respondents 1 to 3 are directed to consider the representation of the petitioner dated 30.12.2020, on merits and if any seat remains vacant in any other category in Karaikal region, the case of the petitioner may also be considered, in accordance with law, provided if she is otherwise eligible. It is also open to the first respondent

to reconsider the number of seats allotted for BCM category, in future, in consultation with the State Level Commission for Backward Class (SLCBC)."

10. With the above observations and directions, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar.

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To

- 1.The Secretary to Government,
Health Department,
Secretariat, Beach Road,
White Town, Puducherry - 605 001.
- 2.The Coordinator,
Centralised Admission Committee (CENTAC),
PEC Campus, ECR Road,
Pillaichavadi,
Puducherry - 605 014.
- 3.The Secretary,
The National Medical Commission,
Pocket -14, Sector - 8,
Dwaraka Phase - I, New Delhi - 110077.

सत्यमेव जयते

W.P. No. 635 of 2021

NRA (05/02/2021)

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