

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on 18.01.2021	Delivered on 10.02.2021
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CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.No. 920 of 2021

and

W.M.P.Nos. 1009 & 1010 of 2021

B.Natarajah

...Petitioner

Vs.

- 1.Government of Puducherry,
rep. By its Health Secretary,
Goubert Salai, Puducherry.
- 2.Government of Puducherry,
Centralised Admission Committee(CENTAC)
Pondicherry Engineering College Campus,
Puducherry.
- 3.The Director,
Indira Gandhi Medical College and
Research Institute, Vazhudavur Main Road,
Kathirkamam, Puducherry.
- 4.National Medial Commission,
Pocket 0 14, Sector - 8, Dwarka Phase - I,
New Delhi - 110077.

...Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India seeking issuance of writ of declaration, declaring the action of the 2nd respondent in admitting three candidates from Yanam for M.B.B.S. Course for the academic year 2020-2021 in Economically Weaker Section Quota of 10% and not admitting candidates from Puducherry in the four unfilled seats reserved for Karaikal (three seats) and Mahe (one seat) for M.B.B.S. Course in Economically Weaker Section quota in the 3rd respondent Indira Gandhi Medical College and Research Institute, Puducherry and thereby not admitting the petitioner to the M.B.B.S. Course for the academic year 2020-2021 as illegal, arbitrary and contrary to the notification of the 1st respondent bearing No. 1056/Health/H5/2020-21 dated 17.12.2020 and consequently direct the respondents to admit the petitioner in the M.B.B.S course for the academic year 2020-2021 in the 3rd respondent Indira Gandhi Medical College and Research Institute, Puducherry on the basis of his merit in Economically Weaker

Section quota in the four unfilled seats of Karaikal and Mahe and also by taking into account of the three seats allotted to Yanam candidates in an illegal manner, when the same is for candidates belonging to Puducherry and when no seats reserved under Economically Weaker Section quota.

For Petitioner : Mr.Balan Haridas

For Respondents : Mr.C.T.Ramesh, AGP for R1&R3

R3 & R4 - No Appearance

O R D E R

The petitioner, who is a resident of Puducherry belong to Forward Community, appeared in the National Eligibility-cum-Entrance Test, 2020 and secured 151 marks out of 720 marks. He applied for M.B.B.S course for the academic year 2020-2021 under Economically Weaker Section (EWS) quota.

2. The first respondent has issued a notification prescribing the seat matrix to be followed by the second respondent for conducting counselling for admission of students in the first year M.B.B.S course in the Indira Gandhi Medical College and Research Institute, Puducherry for the academic year 2020-2021. As per the seat matrix, out of 180 seats, 75% of the seats are allotted to Puducherry, 18% of the seats are allotted to Karaikkal and 3% of the seats are allotted to Yanam. The first respondent has also given 10% reservation to EWS students in the seats so allotted. Accordingly, under the EWS quota, 11 seats are reserved for EWS from Puducherry, 3 seats from Karaikkal and no seat was provided to Yanam. The petitioner also applied under the EWS Quota. Along with her, 23 others have also applied for the academic year 2020-2021 and merit list also issued by the 2nd respondent. After the second round of counselling, only eight candidates were allotted from Puducherry under the EWS quota and the three candidates from Yanam have been allotted under this quota.

3. The case of the petitioner is that the Yanam region has not been provided with any candidates on EWS quota, whereas the candidates from Yanam were allotted under the EWS quota among the seats allotted to Puducherry.

4. Mr.C.T.Ramesh, learned Additional Government Pleader appearing on behalf of the respondents 1 & 2 made his submissions based on the orders of this Court in W.P.Nos.13130 of 2010 etc., batch dated 06.08.2010 reported in 2010 (5) CTC 385 wherein, a similar issue was raised before this Court and this Court held as follows:-

"31. In the counter affidavit, no reason has been

assigned as to the object behind reserving 75% seats exclusively to the Puducherry Region. In fact the counter affidavit only seeks to justify the regional reservation for Karaikkal, Mahe and Yanam Regions and has absolutely not adverted to the object behind reservation for Puducherry Region, which has been introduced for the first time this year (2010-2011). All that is stated is that by allocation of 75% seats exclusively for Puducherry Region would in no way affect the interest of candidates hailing from Karaikkal, Mahe and Yanam Regions. This could hardly be a justification to support the decision taken. The Government while constituting a Consultative Committee to review the Regional reservation of seat by G.O.Ms.No.58 dated 28.4.2010, was considering the regional reservation for Karaikal, Mahe and Yanam regions alone and the reservation for Puducherry region was never thought of or contemplated. Thus, in our view, the reservation for the Puducherry Region has not been justified by the Government in any manner.

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34. Thus, in the absence of any material placed before this Court, to justify the reservation of 75% of the seats for the Puducherry Region, we are inclined to hold that such reservation is bad in law. Accordingly, the reservation in respect of 75% of seats for the Pondicherry Region requires to be set aside."

5. This Court paid its anxious consideration on the submissions made and also perused the available records.

6. On the very same issue, this Court in W.P.No. 24861 of 2019, by following the orders of the Hon'ble Division Bench has decided the issue as follows:-

"11. The Learned Counsel for the respondents have also furnished the details of students who have been allotted seats under the EWS quota and their NEET score. From the information furnished, this Court finds that none of the candidates allotted seat under EWS quota have secured marks less than the petitioner. It is also brought to the notice of this Court that, 10 seats which was earlier filled under the Puducherry (UT) quota, nearly six candidates from Yanam region has been given seat which indicates that the seat

matrix the 75% of the seat for Puducherry (UT), 18% of the seats for Karaikal, 3% of the seats for Yanam and 4% of the seats for Mahe region not altered by reversion of EWS lapsed seats. The 75% of the seat is not exclusively for the residence of Puducherry but for all the residence of Union Territory of Puducherry and there is no regional reservation as far as 75% is concerned. Therefore, the contention of the petitioner that, 75% seat has been allotted exclusively for the residence of Puducherry found to be incorrect.

12. Therefore, there is no violation of the Division Bench observation made in the batch of W.P.No.13130 of 2010 nor, there is any violation of Article 14 as alleged by the petitioner."

7. In view of the above, this writ petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

kkn/mrm

To:

- 1.The Health Secretary,
Government of Puducherry,
Goubert Salai, Puducherry.
- 2.The Centralised Admission Committee(CENTAC)
Government of Puducherry,
Pondicherry Engineering College Campus,
Puducherry.
- 3.The Director,
Indira Gandhi Medical College and
Research Institute, Vazhudavur Main Road,
Kathirkamam, Puducherry.
- 4.The National Medical Commission,
Pocket 0 14, Sector - 8, Dwarka Phase - I, New Delhi - 110077.
+1 cc to Government Pleader Sr.No.8096
+1cc to Mr.Balan Haridas, Advocate SR.No. 7358

W.P.No. 920 of 2021

and W.M.P.Nos. 1009 & 1010 of 2021

A.SK(03.03.2021)