



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.09.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

WRIT PETITION NO.18436 OF 2021

AND

WMP NO.19650 OF 2021

M.Mugilavani
D/o.N.Murugan

.... Petitioner

-Vs-

1. Jawaharlal Institute of Post graduate
Medical Education & Research (JIPMER)
Rep.by Dean (Academics)
Puducherry 605 006.

2. The Controller of Examination
Pondicherry University
Kalapet, Puducherry.

.... Respondents

Prayer :

Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the 1st respondent to permit the petitioner to take part in the counseling in M.Sc. MLT - Microbiology for the academic year 2021-2022 without insisting upon the sixty semester certificate to be issued by the 2nd respondent.

For Petitioner	:	Mr.V.Lakshminarayanan
For Respondents	:	Mr.M.T.Arunan
		Standing Counsel for R1
		Asst.by R.Nandhini

Mr.M.Ravi
for R 2

O R D E R

This writ petition has been filed for the issue of a writ of mandamus directing the 1st respondent to permit the petitioner to take part in the counseling for M.Sc. MLT - Microbiology for the academic year 2021 - 2022, without insisting upon the sixth semester certificate.



2.The case of the petitioner is that she belongs to Hindu Adi Dravidar community and with very great difficult, she was undergoing school and college education. In spite of the hardships faced by her, she has excelled throughout her carrier. Ultimately, the petitioner joined B.Sc in Medical Lab technology in Mother Theresa post graduate and research Institute of Health Sciences, during the academic year 2018 - 2019.

3.The petitioner has completed five semesters and it is stated that she has secured first class throughout and the course period came to an end in May 202. Due to the pandemic situation, the examination that was supposed to be conducted by the 2nd respondent for the sixth semester got postponed without announcing any dates.

4.In the meantime, the 1st respondent proceeded with the admission process for the M.Sc. MLT - Microbiology and other allied subjects. The petitioner applied for the entrance examination and she was permitted to write the entrance examination. It is seen from records that the petitioner stood first in the Scheduled Caste category and she is ranked 11 in overall category. It is further stated that there are only five seats that are available for M.Sc. MLT - Microbiology.

5.The petitioner faced a predicament since she was not able to participate in the counseling in view of the fact that the sixth semester examination was not conducted by the 2nd respondent and the certificate was not issued.

6.The petitioner therefore has approached this court for a direction to the 1st respondent to permit the petitioner to participate in the counseling without insisting for the certificate, for the present.

7.The learned counsel appearing on behalf of the 1st respondent by relying upon the counter affidavit filed by the 1st respondent submitted that the eligible candidates appeared for counseling on 30.08.2021 and all the five seats have been filled up. The learned counsel further submitted that the petitioner who is yet to take the sixth semester examination and get the certificate from the 2nd respondent, cannot be allowed to participate in the counseling since she is not even fulfilling the eligibility criteria.

8.The learned counsel appearing on behalf of the 2nd respondent submitted that the sixth semester examination is going to commence from 17.09.2021 and the time table for the examination will be issued shortly.



9. It is quite unfortunate that the petitioner who comes from a marginalised section of the society and who has excelled throughout her carrier, is not able to pursue with the post graduation inspite of coming first in the entrance examination under Scheduled caste category. The direction as sought for by the petitioner could not have been granted by this Court since the petitioner was not even satisfying the threshold eligibility criteria and she is yet to take the sixth semester examination and complete the same and get the certificate from the 2nd respondent. Therefore, even though the petitioner has secured good marks during the earlier semester examinations, that by itself cannot be a ground to permit the petitioner to participate in the counseling even without writing the sixth semester examination.

10. There is a delay on the part of the 2nd respondent in conducting the sixth semester examinations due to the pandemic situation and the examinations are going to be conducted only from 17.09.2021. Even otherwise, the seats have already been filled up by the 1st respondent during the counseling held on 30.08.2021.

11. In view of the above, the relief as sought for by the petitioner cannot be granted by this court and accordingly, this writ petition is dismissed. No costs. consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

KP

To

1. Jawaharlal Institute of Post graduate
Medical Education & Research (JIPMER)
Rep.by Dean (Academics) Puducherry 605 006.
2. The Controller of Examination
Pondicherry University, Kalapet, Puducherry.

+1cc to Mr.V.Raghavachari, Advocate, S.R.No.44480

Writ Petition No.18436 of 2021

SSV(CO)
CS/17/09/2021