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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.12.2021

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.20784 of 2019
and W.M.P.No.19968 of 2019

K.Sakthisri

... Petitioner

Vs.

1. The Medical Council of India,
Pocket 14, Sector 8,
Dwarka, New Delhi 110077.

2. The Director, JIPMER,
Puducherry.

3. The Dean, Academic Section,
JIPMER, Puducherry.

4. Krishnaprasad.V.,

5. Hareesh Kumar.R

6. The Government of Puducherry,
Puducherry.

(R6 suo-moto impleaded vide order dated 01.10.2019)
in W.P.No.20789 of 2019.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Declaration direction to declare that the admission of Respondents 4 and 5 to the first year of M.B.B.S. Course for the Academic year 2019-20 shortlist issued by the 3rd respondent dt.nil JIPMER Podicherry Campus under the O.B.C. category is illegal and invalid as per the G.O.Ms.No. 2 / 2016 / SWS dt. 05.08.2016 and consequently to direct the respondents 2 and 3 to admit the petitioner daughter for the First Year M.B.B.S. Course for the academic year 2019-20 in JIPMER, Puducherry Campus under the O.B.C. category of puducherry.

For Petitioner : Mr.V.Ajayakumar

For R1 : Mr.Subaranji Anand for Mr.V.P.Raman



For R2 and R5 : Mr.M.T.Arunan, Standing Counsel

For R6 : Mr.A.V.Ramalingam
Additional Government Pleader (Pondy)

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O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Declaration direction to declare that the admission of Respondents 4 and 5 to the first year of M.B.B.S. Course for the Academic year 2019-20 shortlist issued by the 3rd respondent dt.nil JIPMER Podicherry Campus under the O.B.C. category is illegal and invalid as per the G.O.Ms.No. 2 / 2016 / SWS dt. 05.08.2016 and consequently to direct the respondents 2 and 3 to admit the petitioner daughter for the First Year M.B.B.S. Course for the academic year 2019-20 in JIPMER, Puducherry Campus under the O.B.C. category of puducherry.

2. The case of the petitioner is that the petitioner is a minor and she passed +2 examinations with 456 marks out of 500 in the CBSE Scheme and attended NEET examinations and secured 465 marks. In the examination conducted by JIPMER, the petitioner had obtained 92.5797 marks and she belong to Hindu 'Vellanchetti' community which is recognized as O.B.C. Both in Tamil Nadu and in Puducherry. In pursuance to the notification issued by the 1st respondent regarding admission to the first year M.B.B.S. Course, the petitioner has applied for the same and in which her community name 'Vellanchetti' was not seen in the list of O.B.C. Category and thereby, the only option available to the petitioner is that she can only submit her application in a general category, eventhough the petitioner is entitled to get the benefit of reservation and get admission under the Puducherry O.B.C. quota. The respondents have issued call letter to attend the counselling, during which the petitioner was surprised to see that her name was not included in the puducherry O.B.C. Category, however included under the general category and placed at 66th rank. It is the claim of the petitioner that the respondents ought to have included the name of the petitioner in the Puducherry O.B.C. Category merit list and if her name was considered under the said category, on the basis of her mark, she would have been placed at 38th rank and would have got admission to the first year M.B.B.S. Court in JIPMER, Puducherry instead of JIPMER Karaikal.

3. It is the further case of the petitioner that the 4th respondent has got only 92.3699 marks, whereas the petitioner has got 92.5797 marks, even though the respondents 4 and 5, were admitted under the Puducherry O.B.C Category in JIPMER, Puducherry, instead of admitting the petitioner under the O.B.C. Category of the same college. The respondents 2 and 3 without



having knowledge of the Government Order regarding declaration of Vellanchetti Community as O.B.C. by the Government of Puducherry through an order dated 05.08.2016, denied admission to the petitioner in the JIPMER, Puducherry. Hence, the petitioner had approached the authorities and requested them to rectify the same by retaining her in JIPMER, Puducherry under the O.B.C.quota vide representation dated 21.06.2019, which was not considered by the respondents 2 and 3. Hence she is constrained to approach this Court by filing this petition.

4.Though very many grounds have been raised, learned counsel for the petitioner submits that it would suffice if this Court issues direction to the 2nd respondent to consider the petitioner's representation dated 21.06.2019 along with the Order issued by the Government of Puducherry in G.O.Ms.No.2/2016/SWS, dated 05.08.2016 and pass orders on the same within a particular time frame fixed by this Court.

5.The learned Government Advocate has no objection for said order being passed. Further he made a submission that before the online examination, the candidate have not approached or claimed the Institute with regard to this issue and moreover she has applied and written her exam under UR category only. Even now the 'Vellanchetti' community was not recognized as O.B.C. Category by the Government of Puducherry. However, the learned counsel undertakes that if the said community comes under the O.B.C.category, the representation of the petitioner will be considered in accordance with law.

6. In view of the aforesaid submissions, this Court without expressing any opinion on the merits of the case directs the 2nd respondent to consider the petitioner's representation dated 21.06.2019 along with the Order issued by the Government of Puducherry in G.O.Ms.No.2/2016/SWS, dated 05.08.2016, on merits and in accordance with law and pass appropriate orders, within a period of twelve weeks from the date of receipt of a copy of this order. This writ petition is accordingly disposed of. No costs.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

1. The Medical Council of India,
Pocket 14, Sector 8,
Dwarka, New Delhi 110077.

2. The Director, JIPMER,
Puducherry.

3. The Dean, Academic Section,
JIPMER, Puducherry.

4. The Government of Puducherry,
Puducherry.

+1cc to Mr.M.T.Arunan, Advocate, S.R.No.62728

+1cc to Mr.V.Ajayakumar, Advocate, S.R.No.62807

W.P.No.20784 of 2019

SSI (CO)
CT 20/01/2022