

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.01.2021

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.NO.19558 OF 2020

AND

W.M.P.NO.24174 OF 2020

Aadhithya K Praveen

Minor rep. By his natural guardian
and Father Praveen T.K.

...Petitioner

Vs.

1. State of Tamil Nadu
rep. By its Principal Secretary,
Ministry of Health and Family Welfare,
Secretariat, Chennai.
2. The Secretary,
Medical Council of India,
Sector 8, Pocket - 14, Phase - I,
Dwarka, New Delhi - 110070.
3. The Director,
National Medical Commission,
Sector 8, Pocket - 14, Phase - I,
Dwarka, New Delhi - 110070.
4. Medical Counselling Committee (MCC)
Government of India,
Directorate of General Health Services,
Ministry of Health & Family Welfare,
Nirmal Bhavan, New Delhi.
5. The Secretary,
Section Committee,
Directorate of Medical Education,
No.162, Periyar EVR High Road,
Kilpauk, Chennai - 600 010.

...Respondents

Prayer:

Writ petition filed under Article 226 of the Constitution of India seeking issuance of writ of mandamus, directing the 5th respondent herein to permit the petitioner to attend the 2nd

phase of M.B.B.S Counseling for the academic year of 2020-2021 under the "Backward Class" category and pass such further or other orders.

For Petitioner : Mr.R.Krishna Prasad
For Respondents: Mr.E.Manoharan, Spl.G.P for R1
Mr.V.P.Raman, SC for R2 & R3
Mr.A.Srinivasamurthy for R4
Mr.Abdul Saleem, SC for R5

O R D E R

This writ petition is filed for a mandamus to permit the petitioner to attend the second phase of MBBS counselling for the Academic Year 2020-2021 under the Backward Class category.

2. The case of the petitioner is that he belongs to Backward Community and he has also enclosed all the necessary certificates but he was not considered during the second round of counselling on the ground that the petitioner has not produced the community certificate of his parents during the time of counselling.

3. Mr.Abdul Saleem, learned Standing counsel appearing for the 5th respondent would refer a prospectus on the general eligibility criteria mentioned in Clause 4(g) of the prospectus, which reads as follows:-

"(g) Candidates who are Native of Tamil Nadu and have studied from Standard VI to Standard XII in schools of Tamil Nadu should also produce Nativity Certificate and Community Certificate issued by the competent authority along with the true copies of their parent's certificates such as Driving Licence, Ration Card/Passport, SSLC/10th, 12th Mark Sheet or Transfer Certificate (any one Certificate will suffice) apart from Community Certificate to claim the communal reservation.

In case, parents are not literate, then no Graduation Certificate for parents/First Graduation Certificate of the candidate, from the Revenue Authority of competent jurisdiction, to substantiate their parent's place of birth in Tamil Nadu along with the above mentioned certificates.

If a candidate do not submit the above mentioned certificates and if he/she had studied VI Standard to XII Standard completely in Tamil Nadu, then the candidate will be considered under Open Category only."

4. According to the above clause, though the petitioner has produced his community certificate, he has not produced the community certificate of his parents as directed in Clause 4(g) and therefore, he was considered only under the Open Category and not under the Backward Community category. But, however, the same has been denied by Mr.R.Krishna Prasad, learned counsel for the petitioner that the petitioner has also produced the community certificate of his father which denotes that he belonged to Backward Community and the same is also filed as a proof that the petitioner also belongs to the said community. Since the petitioner is having the relevant documents as per the requirement, the respondents are directed to consider the petitioner in the Backward community and to take a decision.

5. With the above direction, this writ petition is disposed of. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

kkn

To:

1. State of Tamil Nadu
rep. By its Principal Secretary,
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Nirmal Bhavan, New Delhi.

5. The Secretary,
Section Committee,
Directorate of Medical Education,
No.162, Periyar EVR High Road,
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+1cc to Mr.Sarvabhauman Associates, Advocate in sr.no.1039

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and W.M.P.No.24174 of 2020

JP (CO)
CS/11/01/2021



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