



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.11.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.NO.24972 OF 2021

K.Muruganantham

... Petitioner

.Vs.

1. The Secretary
Ministry of Home Affairs,
Police Division II,
North Block,
New Delhi.
2. Vice Chancellor
Puduchery Central University,
Puduchery.
3. The Dean,
Rajeev Gandhi Institute of Vetnery Education,
17/5, Vazhudavur Road,
Kurumbapet,
Marie Oulgaret,
Puduchery-605 009.
4. The Registrar,
Centralised Admission Committee (CENTAC)
Government of Puduchery,
PEC Campus,
Pillaichavady,
Puduchery-605 014.
5. The Co-Ordinator
Centralised Admission Committee (CENTAC)
Government of Puduchery, PEC Campus,
Pillaichavady, Puduchery-605 014.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 4th and 5th respondents to consider the petitioner's representation dated 09.10.2021 for Admission to his son M.Harinath, S/o.Muruganandhan candidature under the Ex Servicemen Quota in



the light of the Office Memorandum dated 23.11.2012 issued by the 1st respondent for the admission to Veterinary Doctor Degree Course for the year 2021 - 2022 under the 3rd, 4th and 5th respondents Institution.

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For Petitioner : Mr.S.Senthil Kumar

For Respondents : Mr.Venkatasamy Babu for R1
SC
Mr.M.Ravi for R2
Mr.C.T.Ramesh for R4 and R5
Additional Government Pleader
for Pondicherry

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus directing the respondents 4 and 5 to consider the petitioner's representation dated 09.10.2021 for admission to his son M.Harinath, S/o.Muruganandhan candidature under the Ex Servicemen Quota in the light of the Office Memorandum dated 23.11.2012 issued by the first respondent for admission to Veterinary Doctor Degree Course for the year 2021 - 2022 under the respondents 3, 4 and 5 Institution.

2.The case of the petitioner is that the petitioner was selected in Border Security Service (BSF) in the year 1994 as Jawan and promoted as Assistant Sub Inspector (ASI) in the signal wing and was discharged in the year 2021 by way of Voluntary Retirement with pensionary benefits. At the time of retirement, the first respondent issued certificate to me as 'Ex-Central Armed Police Force Personnel' as per Ministry of Home Affairs OM dated 23.11.2012.

3.The further case of the petitioner is that the petitioner's elder son Harinath passed SSLC with 92% marks and +2 with 80% marks and also passed NEET with 274 marks and applied for UG - Non NEET (Veterinary Engineering) and UG - NEET (Veterinary Medicine Course) through CENTAC in Puduchery under Special category of ESM and his son also applied UG - NEET on 08.11.2021 for Medicine (MBBS, BDS, BAMS). According to the petitioner, his son is entitled to get the benefit to get admission as per OM dated 23.11.2012, however, the respondents have not considered the petitioner's son's admission. Hence, the petitioner made representation to the respondents and since the same has not yet been considered, has filed this writ petition.



4.The learned counsel appearing for the petitioner would submit that the issue involved in the writ petition is no longer res integra and the same has already been considered by this Court in W.P.No.18665 of 2017 on 04.08.2017, wherein, this Court has allowed the said writ petition and directed the respondents 4 and 5 therein to consider the candidature of the daughter of the petitioner therein under Ex-Servicemen Quota and prayed for similar order to this petitioner.

5.The learned counsel appearing for the respondents did not dispute the facts submitted by the learned counsel appearing for the petitioner.

6.Heard the submissions made by the learned counsel appearing for the petitioner and the submissions made by Mr.Venkatasamy Babu, learned SC who takes notice on behalf of the first respondent; Mr.M.Ravi, learned counsel who takes notice on behalf of the second respondent; Mr.C.T.Ramesh, learned Additional Government Pleader (Puducherry) who takes notice on behalf of respondents 4 and 5.

7.The issue involved is no longer res integra and the relevant portion of the order dated 04.08.2017 made in W.P.No.18665 of 2017 reads as follows:

"6. The respondent-Anna University relied upon G.O.Ms.No.198, Higher Education (J1) Department, dated 30.05.2003 to state that though as per the said G.O. the children of Ex-Servicemen are entitled to 81 seats, the petitioner, being a daughter of the person worked in BSF will not fall under the category of "Children of Ex-Servicemen". On the other hand, the petitioner sought to rely upon the office memo dated 23.11.2012 issued by the Ministry of Home Affairs, Police Division-II, Government of India, wherein it is stated as follows:

"No.27-11/100/2012-R&W
Government of India
Ministry of Home Affairs
Police Division-II
(Resettlement and welfare Directorate)
23 Nov.2012
North Block.New Delhi-01
Dated the 23rd November,2012

OFFICIAL MEMORANDUM

Designating the retired Central Armed Police Force (CAPF i.e. CRPF, BSF, CISF, ITBP and SSB) personnel as



"Ex-Central Armed Police Force Personnel)Ex-CAPF personnel.

There has a demand from various fora that the retired Central Armed Police Force (CAPF) personnel may be given the status of Ex-CAPF personnel. Accordingly a disposal was sent to the Government for their consideration. Cabinet Committee on security has approved the proposal of this Ministry to declare retired Central Armed Police Force personnel from Central Reserve Police Force (CRPF), Border Security Force (BSF), Central Industrial Security Force (CISF), Indo-Tibetan Border Police (ITBP) and Sashastra Seema Bai (SSB) as "Ex-Central Armed Police Force Personnel" (Ex-CAPF Personnel).

2. Based on such designation, the State/UT Governments concerned may extend suitable benefits to them on the lines of the benefits extended by the State/UT Governments to the Exservicemen of Defence Forces.

Sd/-

(Dinesh Mahur)
Director (Personnel)
Ph:2309 2933"

7. The learned Senior Panel counsel appearing for the 3rd respondent submitted that when the said office memo specifically directed all the State / Union Territories to extend suitable benefits to the persons defined as Central Armed Police Force Personnel, which include Border Security Force, in the light of the benefit extended to the defence force, the respondent-Anna University is not justified in refusing to consider the petitioner under the above said category.

8. A careful perusal of the office memo, dated 23.11.2012 issued by the Ministry of Home Affairs of Union of India, would show in clear and categorical terms, that the petitioner, who is the daughter of a person who served in BSF, is entitled to be considered under the Ex-Servicemen category, more particularly, when the G.O.Ms.No.198, Higher Education (J1) Department, dated 30.05.2003 relied upon by the Anna University does not define as to which categories of persons alone will fall under the Ex-Servicemen category. If a person served on the border of this Country is not entitled to be treated under the category of Ex-servicemen, it is nothing but an utter disrespect shown to such great service rendered by



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such person. The stand of the University on this aspect is very unfortunate, hypertechncial and cannot be appreciated even for the sake of argument. Therefore, I find every justification in allowing this writ petition.

9. Accordingly, the writ petition is allowed and the respondents 4 and 5 are directed to consider the petitioner's daughter's candidature under Ex-Servicemen Quota for admission to B.E. / B.Tech Degree Course for the academic year 2017-18 and also to allow the petitioner to take part in the counselling under the Ex-Servicemen category. No costs."

8. In view of the above, this Court is inclined to extend the benefit to this petitioner also. Accordingly, respondents 4 and 5 are directed to consider the petitioner's representation dated 09.10.2021 for admission to his son M. Harinath, S/o. Muruganandhan candidature under the Ex Servicemen Quota in the light of the Office Memorandum dated 23.11.2012 issued by the first respondent for admission to Veterinary Doctor Degree Course for the year 2021 - 2022 under the respondents 3, 4 and 5 Institution.

9. The writ petition is accordingly allowed. No costs.

Sd/-

Assistant Registrar(CS VIII)

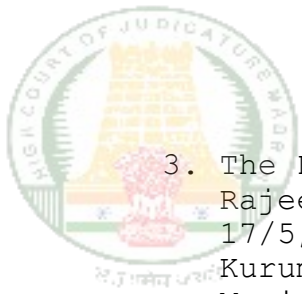
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Sub Assistant Registrar

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To

1. The Secretary
Ministry of Home Affairs,
Police Division II,
North Block,
New Delhi.
2. Vice Chancellor
Puduchery Central University,
Puduchery.



3. The Dean,
Rajeev Gandhi Institute of Veterinary Education,
17/5, Vazhudavur Road,
Kurumbapet,
Marie Oulgaret,
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4. The Registrar,
Centralised Admission Committee (CENTAC)
Government of Puduchery,
PEC Campus,
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Puduchery-605 014.

5. The Co-Ordinator
Centralised Admission Committee (CENTAC)
Government of Puduchery, PEC Campus,
Pillaichavady, Puduchery-605 014.

+1cc to Mr.Venkatasamy, Advocate, S.R.No.60849

+1cc to the Government Pleader(Pondicherry), S.R.No.60482

W.P.No.24972 of 2021

KSM(CO)
PM/02/12/2021