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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.07.2021

CORAM

THE HON'BLE MR.JUSTICE M.M.SUNDRESH
and
THE HON'BLE MS.JUSTICE R.N.MANJULA

W.A.No.3372 of 2019

A.Prabhakara Reddy

...Petitioner / Appellant

Vs

- 1.Government of Puducherry,
Rep. by Secretary to Government,
Higher and Technical Education,
Chief Secretariat,
Puducherry - 605 004.
 - 2.The Co-ordinator (Admission),
Centralised Admission Committee (CENTAC),
Pondicherry Engineering College Campus,
Government of Puducherry,
Puducherry - 604 014.
 - 3.The Convenor,
Centralised Admission Committee (CENTAC),
Pondicherry Engineering College Campus,
Government of Puducherry,
Puducherry - 604 014.
 - 4.The Director of Health and Family Welfare Services,
Puducherry.
 - 5.Medical Council of India,
Rep. by Secretary,
Sector - VIII, Dwaraga Phase II,
New Delhi 110 077.
 - 6.Indira Gandhi Medical College and
Research Centre,
Puducherry.
- ...Respondents / Respondents

Appeal filed under Clause 15 of Letters Patent against the order dated 27.08.2019 made in W.P.No.24861 of 2019.

Writ petition is filed under Article 226 of the Constitution of India to issue Writ of Certiorarified Mandamus,



to call for the records pertaining to the impugned notification issued by the 2nd respondent on 20/08/2019 from converting 4 Economically Weaker Section Quota seats into General Category and from conducting MOP-UP counselling for the EWS Seats and quash the same and further direct the 2nd respondent to grant admission in M.B.B.S Course at Indira Gandhi Medical College and Research Institute, Puducherry under Economically Weaker Section (EWS) quota to the petitioner's daughter namely Kranthi Varshitha Reddy and pass order.

For Appellant : Mr.R.Venkatesulu
for Ms.Usha Raman

For Respondents : Ms.N.Mala,
Government Pleader (Puducherry)
for R1 to R4 and R6
Ms.Shubharanjani Ananth for R5

JUDGMENT

(Delivered by M.M.SUNDRESH, J.)

This appeal has been filed by the appellant against the order of the learned Single Judge in a writ petition filed challenging the notification dated 20.08.2019 by which the Economically Weaker Section Quota seats were converted into General Category.

2. The appellant's daughter belongs to Yanam. According to the appellant, his daughter is entitled for a seat under the Economically Weaker Section Quota. The seats reserved underwent changes in view of the surrendering of unfilled seats under the All India category. Accordingly, by the proceedings dated 06.08.2019, 14 seats have been reserved to be filled up under the Economically Weaker Section quota. Of the 14 seats, 10 seats have been earmarked for the Puducherry Union as a whole. Resultantly, 3 seats have been reserved for Karaikal and 1 seat for Mahe. The appellant's daughter belongs to Yanam. Obviously, she could not get into the 10 seats filled under the Economically Weaker Section quota meant for the entire Union Territory of Puducherry. The last person by name Saran scored 196 marks whereas the appellant's daughter scored 178 marks.

3. The case of the appellant is that the reserved category meant for Karaikal and Mahe regions ought not to have been converted into General Category of the respective regions. Incidentally, it is submitted that number of seats must have been 5 and if it is so, Yanam would have got one.

4. In the affidavit filed by the fourth respondent, the following statement has been made:-



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Regional Wise % of reservation and seats		Vertical Reservation									Horizontal Reservation			
Region Wise	No. of seats	Gen	EWS	OBC 11%	MBC 11%	SC 16%	ST 0.5 %	BC M 2%	EB C 2%	BT 1%	FF 4%	PH 5%	EXM 1%	MSP 1%
Puducherry (75%)	107	43	10	12	19	18	01	2	02	00	04	05	01	01
Karaikal (18%)	26	10	03	03	05	04	00	01	00	00	01	01	00	00
Yanam (3%)	04	02	00	00	01	01	00	00	00	00	00	00	00	00
Total	137	55	13	15	25	23	01	03	2	0	05	06	01	01

BCM/EBC - Rotation on yearly basis in Karikal region.

Total Seats	Vertical Reservation					Horizontal Reservation			
Mahe - (4%) = 06	Gen	EWS	OBC 16%	MBC 7%	BCM 10%	FF (4%)	PH (5%)	EXM (3%)	MSP (1%)
	02	01	01	01	01	00	00	00	00

In the final seat matrix a total number of 14 seats have been earmarked for EWS category, of which 10 seats have been allotted to U.T. of Puducherry. The Karaikal and Mahe regions have been allocated with 3 and 1 seat respectively.

8. I respectfully submit that the CENTAC has received only 13 applications under EWS category against the total 14 seats earmarked for EWS. No candidates from Karaikal and Mahe region have applied under EWS category. The CENTAC had considered the 13 applicants applied under EWS category and allotted 10 seats on merit against the 10 seats earmarked for the U.T. of Puducherry during 1st and 2nd round of counselling.

The details of the candidates allotted under EWS category are as follows:-

Sl.No.	Name	NEET score	NEET Rank
1	Ovya	408	120751
2	Bora Sriya Reddy	390	138985
3	S.Kaviya	352	183157
4	Kalla Praveen Kumar	286	280392
5	Meesal Pavitra Chandravathi	280	291098
6	Alan Riat VL	275	300870
7	Chintalpudi NVSS Lokesh	247	353844



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Sl.No.	Name	NEET score	NEET Rank
8	Pentapati Manohara Jayasri	240	368549
9	Bavisetty Satya Venkata Bhavya Sri	240	369283
10	Saran B	196	477598

9. I respectfully submit that there are no specific guidelines or regulations from the Medical Council of India/Govt. of India which stipulates how to treat the unfilled seats under EWS Category. However, it is ascertained that the Directorate General of Health Services, Government of India, New Delhi has converted the unfilled seats of EWS into unreserved category during Mop-Up round seat allotment for All India Quota. Hence, the Government of Puducherry decided to adopt the procedures followed by the Directorate General of Health Services, New Delhi. Accordingly the unfilled 3 EWS seats in Karaikal and 1 unfilled EWS seat in Mahe are converted to the General Quota of the respective regions."

5. Based upon the said submission, the writ petition was dismissed.

6. Learned counsel appearing for the appellant reiterated the same submission. It is also to be seen that the appellant's daughter has got the admission in the present academic year. We are concerned with the admission for the year 2019-2020. Now, two years have elapsed.

7. Upon hearing the arguments, we find that there is no merit in the appeal, even the appellant's daughter may not be considered for the academic year 2019-2020 at this point of time. Admittedly, the appellant's daughter belongs to Yanam region. There is no reservation under the Economically Weaker Section quota for Yanam whereas it is provided for Karaikal and Mahe. For the General Reserved Category of 75% pertaining to the Economically Weaker Section, the appellant's daughter was not qualified admittedly.

8. In such view of the matter, we do not find any error in the order passed by the learned single Judge, warranting interference. Accordingly, the writ appeal stands dismissed. No costs.

Sd/-

Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

mmi/ssm



To

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Puducherry - 605 004.
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Sector - VIII, Dwaraga Phase II,
New Delhi 110 077.
6. Indira Gandhi Medical College and
Research Centre,
Puducherry.

+1cc to M/s. Usha Raman, Advocate. SR.No.36320

+1cc to M/s. Shubharanjani Ananth, Advocate. SR.No.35992

W.A.No.3372 of 2019

SR(CO)
RVM(23/08/2021)