



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 03.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE **V.PARTHIBAN**

W.P. (MD)No.1709 of 2021

and

W.M.P. (MD)No.1456 of 2021

WEB COPY

A.Sinalin Anisha

... Petitioner

- Vs -

1.The Principal Secretary,
Government of Tamil Nadu,
Health and Family Welfare (MCA.1) Department,
St. George Fort,
Chennai - 600 009.

2.The Director,
Medical Education,
Selection Committee,
O/o The Director of Medical Education,
162, Periyar E.V.R. High Road,
Kilpauk,
Chennai - 600 010.

3.The Medical Council of India,
Represented by its Secretary,
Pocket 25, Sector-B,
Dhwaraka Phase - I,
New Delhi - 110 027.

4.The Vice Chancellor,
The Tamil Nadu Dr.M.G.R.Medical University,
69, Annasalai Road,
Guindy,
Chennai - 600 032.

5.The Principal/Dean,
Rajah Muthaiah Medical College and Hospital,
Annamalai Nagar,
C.Kothangudi,
Chidambaram,
Cuddalore District - 608 002.

... Respondents



PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents 1 to 4 to consider the petitioner for providing admission to the Government Medical College under the Government Quota affiliated to the fourth respondent university in the present academic year 2020-2021 itself in the existing vacancies through the oncoming final phase of Counselling, on the basis of the petitioner's representation dated 23.01.2021.

For Petitioner : Mr.B.N.Raja Mohamed
For Respondents : Mr.Sricharan Rangarajan,
Additional Advocate General
Assisted by Mr.C.Ramesh
Special Government Pleader

ORDER

The case of the petitioner is that she participated in the NEET examination for the year 2020 and secured 555 marks out of 720 marks. She has secured All India Rank of 45,322 and General Rank of 2406. She belongs to OBC Category.

2.The petitioner was called for counselling for admission to the medical courses against the Government quota on 04.12.2020. Thereafter, she attended the second phase of counselling on 06.01.2021 and in that counselling, the petitioner has been allotted admission to the medical courses at Raja Muthaiah Medical College and Hospital affiliated to Annamalai University., the fifth respondent herein. On being allotted to the said medical college, the petitioner appears to have also remitted the fees on 07.01.2021.

3.The grievance of the petitioner herein is that in the normal circumstance, she could have gained admission under Government quota in any other Government medical colleges affiliated to Tamil Nadu Dr.M.G.R. Medical University, Chennai, the fourth respondent herein. The admission to the medical courses in Government Medical Colleges affiliated to the fourth respondent university was denied because of the present policy of the Government's introduction of 7.5% reservation to the students who have studied from 6th standard to 12th standard in State Government run schools. According to the petitioner, when a sizeable percentage of reservation has been earmarked for the students who hail from State Government run schools, that has worked hardship to the students like the petitioner herein who could have otherwise secured a seat in the Government colleges affiliated to the fourth respondent university. Therefore, the petitioner is before this Court.

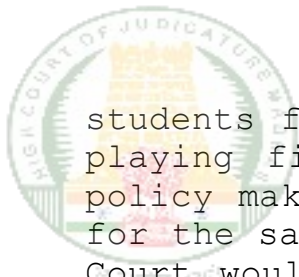


4.What this Court is unable to appreciate in this case that her main contention that by introduction of a policy decision of the Government and bringing in 7.5% reservation for the students, who hail from State Government run schools, her chances of securing a seat in Government medical colleges affiliated to the fourth respondent university have been unjustly taken away. But instead of challenging the policy decision of the Government, which was transformed into the Act 34 of 2020, the petitioner has come forward with the prayer for issue of Writ of Mandamus. On this ground alone, the Writ Petition is liable to be rejected outrightly.

5.Although the learned Counsel appearing for the petitioner attempted to argue the case as if the petitioner has a good case on hand, in assailing the policy decision of the Government, namely, introduction of Act 34 of 2020 but without challenging the same, this Court finds that the very Writ Petition premised on such principal contention of questioning the policy and seeking a mere issue of Writ of Mandamus is completely misplaced and ought not to be entertained at this point of time. Even otherwise, the learned Additional Advocate General appearing in the matter, at the time of admission, would submit that the Court has upheld the Act 34 of 2020 recently and therefore, it is not open to the petitioner to maintain the present prayer before this Court. Even otherwise, the learned Additional Advocate General would submit that the entire admission for the present academic year is over and under no circumstances, the request of the petitioner could be considered at this point of time.

6.From the above, it could be seen that the prayer of the petitioner cannot be entertained under any circumstance, as the Writ Petition is fundamentally misconceived, flawed and liable to be rejected outright. When the Government thought fit to bring a special reservation in furtherance of its policy providing 7.5% as preferential quota to the students who studied from 6th standard to 12th standard in the State run institutions, the intention of the policy makers was to subserve the long pending aspirations of the Government school students for pursuing their dream of becoming graduates of medical courses, be that as M.B.B.S. or B.D.S. The present policy of the Government is in fulfilment of the legitimate aspirations of the students who hail from Government schools and who have been largely the disadvantaged lot in competing with the students from the private institutions who have undoubtedly an edge over the students from the Government schools in terms of their academic upbringing and grooming.

7.In fact, the Government has rightly acknowledged the academic gap between the students in private schools and the



students from Government schools only in order to provide a level playing field, such preferential quota has been adopted by the policy makers of the Government and 7.5% reservation is earmarked for the said category. Such reservation is in the opinion of this Court would amount to affirmative action and would definitely go along way in achieving the object of the policy makers for which it was enacted in 2020. It is needless to mention that in the larger policy perspective, constitutionally permissible discrimination is valid in the matter of inclusive growth in all spheres of life and such policy decision cannot held to be unconstitutional or illegal. On the other hand, such policy decision was well within the framework of the constitutional scheme.

8.For the above said reasons, this Court finds that the Writ Petition is completely devoid of any legal substance and hence, the same is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-III)

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/ /2021

Sub Assistant Registrar(CS)

SRM

To

1.The Principal Secretary,
Government of Tamil Nadu,
Health and Family Welfare (MCA.1) Department,
St. George Fort,
Chennai - 600 009.

2.The Director,
Medical Education,
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O/o The Director of Medical Education,
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<https://hcservices.ecourts.gov.in/hcservices/>



4.The Vice Chancellor,
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+1 CC to M/s.GP (SR-3284[F] dated 04/02/2021)

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