



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE **M.M.SUNDRESH**

AND

THE HONOURABLE MRS.JUSTICE **S.ANANTHI**

W.A. (MD) No. 536 of 2021

and

C.M.P. (MD) Nos. 2367 to 2369 of 2021

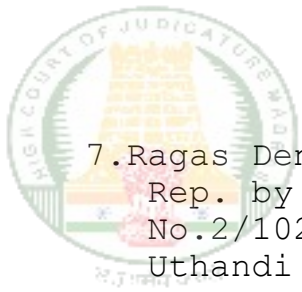
Minor Soundarya

Rep. by her Mother / Natural Guardian,

Nagavalli : Appellant/Petitioner

Vs.

- 1.The Secretary to Government,
School Education Department,
Secretariat,
Chennai.
- 2.The Secretary,
Selection Committee for Medical Education,
Office of the Directorate of Medical Education,
162, EVR Periyar Salai,
Kilpauk, Chennai - 600 010.
- 3.The District Collector,
Karur District,
Karur.
- 4.The Chief Educational Officer,
Karur District, Karur.
- 5.The Dental Council of India,
Rep. by the Secretary,
Aiwan-E-Galib Marg,
Kotla Road, Temple Lane,
New Delhi - 110 002.
(Email id: secy-dci@nic.in)
- 6.The Tamil Nadu Dr.M.G.R.Medical University,
Rep. by the Registrar,
69, Anna Salai, Guindy,
Chennai - 600 032.



7.Ragas Dental College & Hospital,
Rep. by the Principal,
No.2/102, SH 49, East Coast Road,
Uthandi - 600 119, Chennai.

: Respondents

[R.5 to R.7 are *suo-motu* impleaded vide order dated 12.03.2021]

PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent as against the order dated 04.03.2021 made in W.P.(MD)No.16928 of 2020.

Prayer in WP(MD). 16928 of 2020 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the 4th respondent in Na.Ka.No.8014/A1/2019 dated 10.11.2020 and quash the same and consequently direct the respondents to give the benefits under the Tamilnadu Admission to Undergraduate Courses in Medicine, Dentistry, Indian Medicine and Homeopathy on preferential basis to the students of the Government School Act 2020 (Tamilnadu Act No.34 of 2020) to the petitioners daughter namely Soundarya in the Admission to Undergraduate Courses in Medicine, Dentistry, Indian Medicine and Homeopathy on preferential basis to the students of the Government Schools, 2020-21.

For Appellant : Mr.Niranjana S.Kumar

For Respondents : Mr.Sricharan Rangarajan,
Additional Advocate General

Assisted by
Mrs.S.Srimathy,
Special Government Pleader
for R.1 to R.4

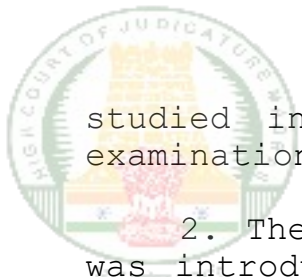
No appearance for R.5 & R.7

Mr.C.Karthik for R.6

JUDGMENT

(Judgment of the Court was delivered by **M.M.SUNDRESH, J.**)

This appeal is preferred by the appellant, a Student, who would otherwise be entitled for a seat in professional colleges, under the Tamil Nadu Admission to Undergraduate Courses in Medicine, Dentistry, Indian Medicine and Homeopathy on Preferential basis of Students of Government Schools Act, 2020 [Act 34 of 2020], which provides for 7.5% reservation on preferential basis to students who



studied in State Government schools and have qualified in NEET examination.

2. The appellant belong to Scheduled Caste community. A scheme was introduced by the District Collector, Karur, dated 30.07.2018, facilitating the Students who performed well in the tenth standard to study the higher secondary education (11th & 12th standards) in a private school. The said proceedings dated 30.07.2018 further facilitates the payment of entire expenses for the aforesaid Students, by the Government itself. The aforesaid decision was made in pursuant to the policy decision made by the Adi Dravidar and Welfare Department, dated 07.05.2018.

3. The appellant, having performed well in the tenth standard examination, got admission in a private school under the aforesaid scheme.

4. In the interregnum, the State of Tamil Nadu brought forth Act 34 of 2020 granting reservation upto 7.5% to the Students who studied in the State Government schools. As the appellant, due to the higher marks obtained, was made to study in a private school, she was not considered. The learned Single Judge, while noting that this is a hard case, nonetheless, dismissed the writ petition, as the law is against the appellant. Challenging the same, the present appeal has been preferred by the appellant.

5. The learned Additional Advocate General appearing for the official respondents, while reiterating the stand taken before the learned Single Judge, submitted that though it is a hard case, allowing the appeal will reopen a pandora's box, as there may be many similar persons available. The appellant did have the benefit of going to a better school and therefore, the order passed by the learned Single Judge will have to be confirmed.

6. The learned Counsel appearing for the appellant submitted that it is the Government, which brought forth the scheme in the year 2018. It is they, who felt that a Student, who has performed well, can be made to study in a private school. Had the appellant not performed well in the tenth standard examinations, she would have got the seat under the 7.5% reservation quota by now. In any case, there is no material to show that the appellant did enjoy a distinct benefit by studying in a private school in the 11th and 12th standards.

7. When the matter came up for hearing in the earlier occasion, we noted that an interim order was passed, pending the writ petition, reserving one seat in the Dental College. Taking note of the same, by order dated 12.03.2021, we *suo-motu* impleaded respondents 5 to 7. In the last hearing, there was no representation on behalf of respondents 5 & 7 and Mr.C.Karthik, learned Counsel appearing for the sixth respondent submitted that they have no role



to play in this matter.

8. Even today, there is no representation on behalf of respondents 5 & 7, despite the name of the fifth respondent's Counsel and the name of the seventh respondent are printed in the cause list.

9. As rightly observed by the learned Single Judge, we are dealing with a very hard case. However, the appellant cannot be made to suffer for having performed well under the scheme. Now the entire selection process is over and therefore, the apprehension of the learned Additional Advocate General no longer survives. There is also one seat which has been kept reserved, by the orders of this Court and this seat is yet to be filled up.

10. Admittedly, the appellant belong to the Scheduled Caste Community and she did study from her first standard to tenth standard in a Government School. She was sponsored by the Government to have her higher secondary education in a private school, because of her good performance in the tenth standard examination. The fact that she has performed well in the tenth standard itself shows that she would have performed well in the higher secondary examination, as well. We cannot say with certainty that the two years study undergone by her in a private school has, in fact, helped her or affected her, since, all of a sudden, her medium of instruction has been shifted from Tamil to English. This observation of ours, is only *prima facie* in nature and it is meant only for the purpose of giving relief to the appellant. Suffice it to state that the appellant, a young student having dreamed to become a Dentist, cannot be made to suffer for the reasons beyond control. In fact, she has also performed well in the NEET examinations.

11. Thus, in the light of the above peculiar facts and without going into the validity of the order of the learned Single Judge, while expressing our *prima facie* views, we deem it appropriate to pass an order directing the respondents to give admission to the appellant with the seventh respondent college. Consequently, a direction is issued to the seventh respondent to admit the appellant, after following the due procedures for admission in the portal of the fifth respondent. We further direct the fifth respondent to allow the uploading of the admission of the appellant, by the seventh respondent, in the portal. The entire exercise will have to be completed within a period of four weeks from the date of receipt of a copy of this judgment.

12. We make it clear that this order may not be treated as a precedent, as we are dealing with the peculiar facts and circumstances of the case.



13. We are also of the opinion that in view of Act 34 of 2020 having been enunciated giving 7.5% reservation to the Students studied in State Government schools, the scheme introduced by the Secretary to Government, Adi Dravidar and Welfare Department, sponsoring Students, who performed well in the tenth standard examination, to private schools for the higher secondary course, may require a review.

14. With the above observations and directions, this writ appeal stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(T & P)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

gk

To

1.The Secretary to Government,
School Education Department,
Secretariat,
Chennai.

2.The Secretary,
Selection Committee for Medical Education,
Office of the Directorate of Medical Education,
162, EVR Periyar Salai,
Kilpauk, Chennai - 600 010.

3.The District Collector,
Karur District,
Karur.

4.The Chief Educational Officer,
Karur District, Karur.

5.The Secretary,
Dental Council of India,
Aiwan-E-Galib Marg,
Kotla Road, Temple Lane,
New Delhi - 110 002.
(Email id: secy-dci@nic.in)



6.The Registrar,
Tamil Nadu Dr.M.G.R.Medical University,
69, Anna Salai, Guindy,
Chennai - 600 032.

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7.The Principal,
Ragas Dental College & Hospital,
No.2/102, SH 49, East Coast Road,
Uthandi - 600 119, Chennai.

8.The Secretary,
Adi Dravidar and Welfare Department,
Secretariat, Chennai.

+1 CC to M/s.NIRANJAN.S.KUMAR, Advocate (SR-13059[F] dated
23/03/2021)

+1 CC to M/s.SPL GP (SR-13289[F] dated 24/03/2021)

W.A. (MD) No.536 of 2021
23.03.2021

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