



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.04.2021

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD) No.7827 of 2021

and W.M.P. (MD) No.5971 of 2021

(Through Video Conference)

M.Seenivasagam

... Petitioner

Vs.

The Secretary,
Selection Committee,
Director of Medical Education,
Chennai 600 010

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondent to consider the petitioner's application number 500899 under the category of SC (Orthopedically Physically Challenged) for Para Medical Courses in the notification dated 24.02.2021 issued by the respondent by considering his representation dated 23.03.2021 and pass orders on merits and in accordance with law within the period that may be stipulated by this Court.

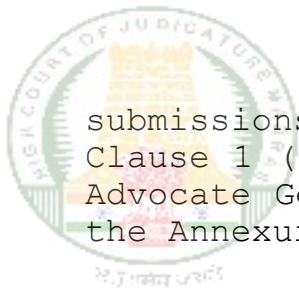
For Petitioner	: Mr.M.Jerin Mathew
For Respondent	: Mr.K.Chellapandian, Additional Advocate General Assisted by Mr.P.Mahendran, Additional Government Pleader

O R D E R

This Writ Petition has been filed for the issue of a Writ of Mandamus directing the respondents to consider the application submitted by the petitioner to undergo Paramedical Course under the Special Category namely, Orthopedically Physically Challenged.

2. The notification was issued by the respondent on 24.02.2021 and the petitioner had applied under the Special Category. But however, the petitioner did not enclose the necessary certificate under Annexure II (A). Under such circumstances, the petitioner subsequently appeared before the concerned District Medical Board and obtained a certificate and wants to produce the certificate under Annexure II (A) to enable the petitioner to be considered under the Special Category.

3. The learned Additional Advocate General appearing on behalf of the respondent submitted that the petitioner ought to have submitted the relevant certificate under Annexure II (A) even at the time of submitting the application and only then, a candidate will be considered under the Special Category. To substantiate his



submissions, the learned Additional Advocate General relied upon Clause 1 (i) (f) and (g) of the notification. The learned Additional Advocate General submitted that since the petitioner did not submit the Annexure, he can only be considered under the General Category.

4. The learned Additional Advocate General further submitted that the petitioner did not satisfy the requirements under the notification since only candidates with Locomotor disability of the lower limb alone will be considered for admission under the Special Category. The learned Additional Advocate General by pointing out to the Annexure II (A) produced by the petitioner submitted that the petitioner is only suffering a disability of the upper limb, wherein the petitioner has a disability in his right arm.

5. The learned Additional Advocate General concluded his submissions by stating that the process of admission was already over on 05.04.2021 and the selected candidates have been directed to join the concerned Institutions on or before 08.04.2021.

6. The learned counsel for the petitioner submitted that the petitioner satisfies the requirement as provided under each Clause 25 (II) (a) and therefore, the petitioner is eligible to be considered under the Special Category. It was further submitted that the petitioner is coming from an economically backward family and he does not have the proper guidance and that is the reason why the Annexure was not submitted along with the application. It was further submitted that there was absolutely no intimation to the petitioner regarding the selection that is said to have already taken place. Therefore, the learned counsel submitted that the petitioner must be given an opportunity to participate in the Selection under the Special Category.

7. Heard Mr.M.Jerin Mathew , learned counsel for the petitioner and Mr.K.Chellapandian, learned Additional Advocate General, assisted by Mr.P.Mahendran, learned Additional Government Pleader appearing for the respondent.

8. In the considered view of this Court, the petitioner is bound by the terms and conditions of the notification. The notification makes it very clear that the relevant certificate has to be furnished even at the time when the application is submitted failing which, the candidates will be considered only under the General Category. Admittedly, the petitioner at the time of filing the application did not give the Annexure II (A). That apart, the entitlement of the petitioner as to whether he can be considered under the Special Category, need not be gone into by this Court, since the selection is already over and the selected candidates have been directed to join the concerned Institutions on or before 08.04.2021. The petitioner has not received any intimation from the respondent only due to the fact that the petitioner has been



considered only under the General Category and not under the Special Category.

9. In view of the above, the relief sought for by the petitioner cannot be granted by this Court and this Writ Petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (T&P)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

NOTE: *In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.*

To:

The Secretary,
Selection Committee,
Director of Medical Education,
162, E.V.R. Periyar high Road, Kilpak
Chennai 600 010

+1 CC to M/s.SPL GP (SR-17940[F] dated 28/04/2021)

W.P. (MD) No.7827 of 2021
26.04.2021

KB(16.06.2021) 3P 3C