



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **29.04.2021**

CORAM:

THE HONOURABLE MR.JUSTICE **N.ANAND VENKATESH**

W.P. (MD)No.8487 of 2021

Jeya Chithra

: Petitioner

Vs.

1. The Secretary to Government,
Ministry of Aayush, Government of India,
New Delhi.
2. The Director of Indian Medicine and Homeopathy,
Directorate of Indian Medicine and Homeopathy,
Arumbakkam, Chennai.
3. The Secretary to Government,
Department of Health and Family Welfare Department,
St.George Fort, Chennai-600 002.
4. The Secretary, (Selection Committee),
Indian Medicine and Homeopathy,
Aaghim Campus, Chennai-600 106.

: Respondents

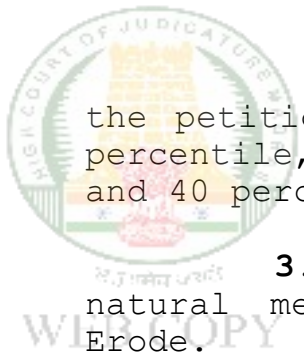
PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents to provide admission to the petitioner's daughter for BSMS/BHMS/BAMS course at any one of the private college situated in Tamil Nadu under Surrender Seats category by reducing the minimum qualification percentile marks for the reserved category.

For Petitioner	: Mr.S.Chellapandian
For R-1	: M/s.L.Victoria Gowri Additional Solicitor General
For R-3	: Mr.M.Rajarajan Additional Government Pleader

ORDER

This Writ Petition has been filed for the issue of a Writ of Mandamus directing the respondents to consider the representation made by the petitioner on 30.03.2021, wherein, the petitioner has sought for accommodating her daughter for BSMS/BHMS/BAMS course at any one of the private colleges situated in Tamil Nadu under the surrendered seat category by reducing the minimum qualification percentile marks.

2. The petitioner's daughter undertook the NEET examination and obtained 29.25 percentile. The petitioner's daughter was aspiring to get a seat for BSMS/BHMS/BAMS course. However, in spite of the percentile being reduced during the course of this selection,



the petitioner's daughter was not able to come within the minimum percentile, which was fixed at 30 percentile for reserved category and 40 percentile for open category.

3. The petitioner's daughter, thereafter, joined in the natural medicines course at Kongu Naturopathy Medical College, Erode.

4. According to the petitioner, more than 250 seats fell vacant and the same was not filled up. Therefore, the petitioner's daughter made a representation to the effect that the percentile can be brought down and the petitioner can be accommodated in any one of the private colleges in the seat that was not filled up for the BSMS/BHMS/BAMS course. Since the same was not considered, the present Writ Petition has been filed before this Court.

5. When the matter came up for admission on 24.03.2021, this Court passed the following order:-

" The learned counsel appearing for the first respondent and the learned Assistant Solicitor General, shall take instructions from respondents 1 and 2 and inform this Court as to whether there is any proposal to reduce the percentile mark and accommodate students in the seats that were not filled up in the private institutions for the Academic Year 2021-21. It is made clear that if there is no such proposal, this Court will not entertain this Writ Petition, since the petitioner does not have a legal right to seek for the reduction of the percentile mark."

6. The first respondent has filed a counter affidavit along with the typed set of papers.

7. The learned Additional Solicitor General appearing on behalf of the first respondent submitted that the first respondent took into consideration the facts and circumstances of the case and thought it fit to revise the qualifying criteria as a one time measure through proceedings, dated 20.01.2021 and accordingly, the percentile in all the categories, 10 percentile was reduced. The learned Additional Solicitor General further submitted that the first respondent does not propose to reduce the percentile any further, since it will amount to compromising on the quality of education. It was further submitted that the petitioner's daughter does not have any legal right to seek for the reduction of the percentile marks in order to get accommodated in the BSMS/BHMS/BAMS course.



8. In the considered view of this Court, this Court made it very clear even at the time of admission, that if there is no proposal for the reduction of percentile marks, this Court cannot issue any directions to the respondents and that apart, there is no legal right for the petitioner to seek for the reduction of marks.

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9. In the result, this Court does not find any ground to grant the relief as sought for in this Writ Petition and accordingly, the Writ Petition stands dismissed. No costs.

Sd/-

Assistant Registrar (CSI)

// 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.

tsg

To

1. The Secretary to Government,
Ministry of Aayush, Government of India,
New Delhi.
2. The Secretary to Government,
Department of Health and Family Welfare Department,
St.George Fort, Chennai-600 002.
3. The Director of Indian Medicine and Homeopathy,
Directorate of Indian Medicine and Homeopathy,
Arumbakkam, Chennai.

+1 CC to M/s.S.CHELLAPANDIAN, Advocate (SR-18175[F] dated 30/04/2021)

+1 CC to M/s.SPL GP (SR-18306[F] dated 30/04/2021)

Order made in
W.P. (MD)No.8487 of 2021

Dated:
29.04.2021