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W.P.No.25934 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.10.2022

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P.No.25934 of 2022
and W.M.P.No.25016 of 2022

Dr.D.Jayanan,
S/o.Djeapradabane

... Petitioner

-Vs-

1.The Co-ordinator,
(Admission Committee),
Centralised Admission
Committee (CENTAC),
Engineering College,
Pondicherry Technological
University Campus, Puducherry.

2.The Secretary to Government for Education,
Chief Secretariat,
Puducherry.

3.The Chairman,
National Medical Commission,
Pocket – 14, Sector – 8,
Dwarka Phase – 1,
New Delhi – 110 077.

... Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India
praying for the issuance of a Writ of Mandamus, to direct the first



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respondent to consider the Meritorious Sports Person Certificate produced along with the application submitted by the petitioner and to admit the petitioner to any of the subject of the petitioner's choice in the clinical side of the first of the year Post Graduate Course for the academic year 2022 and 2023.

For Petitioner : Mr.V.Ajayakumar
For R1 & R2 : Mr.C.T.Ramesh,
Additional Government Pleader
[Puducherry]
For R3 : Mrs.Shubharanjani Ananth,
Standing Counsel

ORDER

The prayer sought for herein is for a Writ of Mandamus, to direct the first respondent to consider the Meritorious Sports Person Certificate produced along with the application submitted by the petitioner and to admit the petitioner to any of the subject of the petitioner's choice in the clinical side in the first year postgraduate course for the academic year 2022-2023.

2.The petitioner passed MBBS degree in 2016 and he belongs to MBC category, hence, he get the benefit of reservation meant for MBC category. Apart from that, the petitioner claimed that he is entitled to be



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considered under MSP quota i.e., meritorious sports person quota in the case of admission to Medical Postgraduate Programme for the Academic Year 2022 – 2023 at the respondent state being conducted by the first respondent i.e., Centralised Admission Committee (CENTAC), Puducherry.

3. The claim of the petitioner is that, the petitioner is a meritorious sports person participated in the national level game of Tennis Ball Cricket Championship, which is one of the recognized games.

4. Having participated in the national level game, for which, the certificate also has been produced by the petitioner, based on which, since there has been no international level player or participant available in the State, who made application for postgraduate admission for the current year, the next choice would come only to the petitioner, since who is a national level participant in the Tennis Ball Cricket Championship and therefore, on that ground, he alone would be entitled to get the one seat earmarked for MSP in postgraduate Medical Course admission in the respondent State of the year 2022 – 2023 and despite the same since the petitioner candidature has not been selected for counseling for admission



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in postgraduate medical course, the petitioner has moved the present writ petition.

5. In support of his contention, the learned counsel appearing for the petitioner would submit that, the petitioner is a national level participant in Tennis Ball Cricket Championship, which in fact was conducted by the All India Inter Zonal Championship of Tennis Ball Cricket Champion authorities organized by the Tamil Nadu Tennis Ball Cricket Association, which is affiliated to the Tennis Ball Federation of India and it was recognized by the Ministry of Youth Affairs and Sports (Govt. of India). Accordingly, the petitioner having participated in the national event, obtained a certificate from the organizers for participation in the State Tennis Ball Cricket Team in the All India Inter Zonal Tennis Ball Cricket Championship 2022 held at CSI College of Engineering, Ketti, Nilgiri District, Tamil Nadu from 3rd to 5th July 2022 as a player.

6. .When that being so, the petitioner's candidature should have been considered and selected for admission to the Post Graduate Medical Course of his choice in the one seat earmarked or reserved for MSP candidate.



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7. In this context, the petitioner's case is that, though there was no such eminent sports person available for selection i.e., stand taken initially by the first respondent, subsequently, they selected a candidate called Thamizhyazhini as if that, she is a MSP candidate obtained marks surpassing the marks obtained by the petitioner for participating in the National Level Championship and therefore the selection if at all made to any third party should be cancelled and the seat earmarked for MSP quota shall be allotted to the petitioner in postgraduate admission, he contended.

8. In order to ascertain these factors, when the case came up for hearing before this Court, during the last occasion i.e., on 17.10.2022, this Court has given the following interim direction to the first respondent :

“The respondent i.e., first respondent is directed to produce the certificates of the candidate, who is going to be selected in the one percent(1%) MSP for the Government seat in P.G. medical course admission in the State of Puducherry for the academic year 2022-2023.

2. The relevant documents in entirety along



with application submitted by the petitioner shall be filed before this Court in a sealed cover by the first respondent through his counsel on 20.10.2022.

Post the matter on 20.10.2022.”

9. Pursuant to the said direction issued by this Court, Mr.C.T.Ramesh, learned Additional Government Pleader appearing for the first respondent has produced the relevant documents pertaining to the candidate viz., R.Thamizhyazhini, who was selected as MSP candidate for postgraduate Medical admission in medical courses for the Academic Year 2022 – 2023.

10. The said candidate also belongs to MBC category and she is a Pondicherry resident and she has been selected on the basis that the said candidate consecutively participated and achieved gold medal in the State Level Softball Championship.

11. In this context, the said candidate achieved the gold medal for the year 2016 – 2017 in Sate championship and 2017 – 2018 and also in 2018 – 2019. Therefore, consecutively for three years i.e., 2016 – 2017, 2017 – 2018 and 2018 – 2019, since the said candidate Thamizhyazhini



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participated and earned the gold medal in the State Level Championship of Softball Competition, the respondents on the basis of the marks awarded by the authorities concerned, who verified these Sport Certificates as per Government Order viz., G.O.Ms.No.53, dated 24.05.2012, Chief Secretariat (Education), Government of Puducherry as the marks awarded to the said candidate is higher than the mark if all to be awarded to the petitioner for having participated in the national level championship in the Tennis Ball Cricket Championship, the said candidate viz., Thamizhyazhini was selected in the MPS quota and the merit list has been issued and the admission would be given to the said candidate for postgraduate admission once the admission counseling commenced, he contended.

12. I have considered the said rival submissions made by the learned counsel appearing for both sides and have perused the materials placed before this Court.

13. In the prospectus issued by the respondents called Government of Puducherry, Directorate of Higher and Technical Education Centralised Admission Committee (CENTAC) information brochure 2022



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– 2023 under clause 11 Reservation of Seats sub-clause (7) under the sub heading Meritorious Sports Persons (MSP), it is stated that the highest achievement of the candidates in only one annual tournament under the listed sports disciplines in a year will be considered for awarding marks. That means even if participated in more than one event for the one year period, the highest achievement alone would be taken into account for awarding marks. What are the sports discipline eligible for seats under the sports quota were also given in sub-clause 7(b).

14. It is further stated that the selection of candidates will be based on the marks obtained by the candidates following the guidelines given in the Government of Puducherry vide G.O.Ms.No.53, dated 24.05.2012 and G.O.Ms.No.6, dated 14.03.2018 of Chief Secretariat, (Higher & Technical Education), Puducherry. According to the achievement, based on the priority, first international achievement would be taken into account, thereafter, the recognized national achievement followed by recognized south zone achievement, then the recognized state level achievement and recognized State championship finally, the District/Regional/Zonal level achievement.



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15.Sub-Clause 7(c) makes it clear that the participation/achievement in sports/game shown in the list alone, immediately preceding five years to the year for which admission is sought for will be taken into account.

16. Based on the said conditions imposed in the information brochure issued by the CENTAC i.e., the first respondent, MSP candidates marks would be awarded and evaluated. In this context, if we look at the G.O.Ms.No.53 referred to above, how the marks to be awarded under various categories of achievement in sports have been provided in annexure. In Table I, Marks for International achievement is provided, which we are not concerned. In Table II, Marks for Recognized National Achievement are provided under which, those who achieved gold medal would be given 175 marks and those who achieved silver medal would be given 150 marks and bronze medal would be given 125 marks. Mere participation in the national level achievement game, will be provided only 40 marks. Like that, what is the mark to be given for Recognized South Zone Achievement is given in Table III. Like that in Table IV, marks for recognized State Championship is given, where the State Championship representing the Districts/Regions organized by State



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Associations, if he is able to achieve the gold medal, he/she will be provided 65 marks, for silver medal 50 marks and for bronze medal 35 marks. Now, the controversy is between the petitioner and a third party viz., Thamizhyazhini, who is going to be selected as per the information supplied by the respondents. We must compare only with regard to the National Achievement, Table II and Recognized State Championships, Table IV.

17. The petitioner admittedly participated in the National Level tournament, but not achieved either gold or silver or bronze, therefore, for mere participation, as per the G.O.(Ms).No.53, Table II, 40 marks can be maximum awarded to the petitioner. Insofar as the other candidate is concerned, she achieved consecutively three years of State Championship, out of which, only two year would be taken into account because of the five years limitation prescribed prior to the year in which the admission was sought for. Therefore, only two years achievement of the said candidate can be taken into account, since the said candidate Thamizhyazhini achieved gold medal in the State Level championship for the said two years, she would be entitled to 65 marks each, therefore, $65 + 65 = 130$ marks can be maximum awarded to the said candidate



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Thamizhyazhini, whereas the petitioner would able to achieve only 40 marks as stated supra.

18. Therefore, in all probability, the other candidate can oust the petitioner because the petitioner would be carrying only 40 marks, whereas, the other candidate would carry 130 marks, therefore the petitioner is not even nearer to the said candidate, hence the respondents decided to select the said candidate under the MSP quota. Therefore, the petitioner cannot have any grievance as the person who achieved the marks than the petitioner has been selected under the MSP and in fact, as per the table provided, where how the marks to be awarded also since has been given and in this context, if at all the petitioner who participated in the National Event achieved either earning gold or silver, certainly, he would have been given the marks 175 or 150 marks and in that case, he would have surpassed the marks now obtained by the other candidate i.e., 130 marks. However, the petitioner merely participated, therefore, participation in the event would entitle the petitioner to claim only 40 marks, if that 40 marks is awarded to the petitioner, with that 40 marks, the petitioner cannot compete with the other candidates, who achieved twice by obtaining gold in the State level and earned 130 marks.



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Therefore, the decision taken by the respondents to select the said candidate viz., Thamizhyazhini, whose credentials have been produced before this Court for perusal against the petitioner, in all fairness, based on merits, is to be sustainable and hence, the plea raised by the petitioner that he should have been selected under the MSP quota for having participated in the national level championship does not have any legal backing or factual matrix, therefore, this Court has no hesitation to hold that the petitioner has no case to succeed in this writ petition. Accordingly, this writ petition fails, hence, it is dismissed. No costs. Connected miscellaneous petition is closed.

20.10.2022

Index: Yes/No
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R. SURESH KUMAR, J.

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