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W.P.No.30021 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.11.2022

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P.No.30021 of 2022 and
W.M.P.Nos.29427, 29428 & 29429 of 2022

S.Haripriya

Rep. by her father and natural guardian

V.Subramanian

.. Petitioner

vs

1. The Selection Committee
Directorate of Medical Education
162, Periyar E.V.R. High Road
Kilpauk, Chennai 600 010.

2. The Director
Institute of Road Transport
Chennai 600 113.

3. The National Medical Commission
Represented by its Secretary
Pocket -14, Sector-8
Dwaraka 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 Certiorarified Mandamus, to call for the records of first respondent's list pertaining to tentative vacancy position for MBBS/BDS Courses (Government Quota) 2022-2023 session on 29.10.2022 in second respondent's college as far as seat was reserved for IRT wards Scheduled Tribe quota is



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concerned quash the same and consequently direct the first respondent to reserve the seat to Scheduled Caste IRT wards Arunthathiyar quota and to provide one MBBS seat to petitioner's daughter in second respondent's college which was reserved for IRT wards in second respondent's college.

For Petitioner : Mr.P.Saravanan

For Respondents : Ms.M.Sneha
Standing Counsel
for respondent 1

Mr.R.Kumaravel
Additional Government Pleader
for respondent 2

Ms.Shubharanjani Ananth
Standing Counsel
for respondent 3

ORDER

The prayer sought for herein is a Writ of Certiorarified Mandamus, calling for the records of first respondent's list pertaining to tentative vacancy position for MBBS/BDS Courses (Government Quota) 2022-2023 session on 29.10.2022 in second respondent's college, as far as seat was reserved for IRT wards Scheduled Tribe quota is concerned and quash the same and consequently direct the first respondent to reserve the seat to Scheduled Caste IRT wards Arunthathiyar quota and to provide one MBBS seat to the petitioner in second respondent's college which was reserved for IRT wards in second respondent's college.



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2. The petitioner claims that she belongs to Scheduled Caste Arunthathiyar Community, for whom, there is a 3% reservation among the 18% reservation provided for the Scheduled Caste Communities. Insofar as the Medical College located at Perundurai, which was an erstwhile Medical College under the control of the IRT, subsequently, it was taken over by the State Government and at the time of taking over of the Institution, the Government had reserved 30 seats, out of the total sanctioned intake of 100 seats, for the wards of the IRT people. Accordingly, 30 seats every year is earmarked for the wards of the IRT people and this year also i.e., 2022-23, 30 seats have been reserved, which is a horizontal reservation.

3. Among this horizontal reservation of 30 seats, earmarked for the IRT wards, 69% vertical communal reservation should be applied.

4. In this context, it is the case of the petitioner that insofar as the distribution of seats among the various communal candidates are concerned, for OC, 31% reservation is given, which comes to 9.30 seats, therefore, 9 seats were given. For BC other than Muslims, it is 26.5% and it comes to 8.25 seats,



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therefore, 8 seats are reserved for that quota. For MBC / DC, it is 20% reservation, for which, 6 seats have been provided for that quota. For the BC (Muslims), 3.5% reservation, therefore, one seat, which was also allotted to that category.

5. So far as Scheduled Caste Communities are concerned, 15% is the reservation, that comes to 4.5 seats, therefore, 5 seats have been provided. Insofar as Scheduled Caste Arunthathiyar Community is concerned, it is 3% reservation, which comes to 0.90 seats, which has not been provided this year. Insofar as the Scheduled Tribes are concerned, it is only 1% reservation, which comes to 0.30 seats, therefore, one seat has been provided this year.

6. In this context, it is the grievance of the petitioner that since the Scheduled Caste Arunthathiyar quota comes to 0.90 seats, at least one seat should have been allotted for Scheduled Caste Arunthathiyar quota and insofar as the Scheduled Tribe is concerned, originally, they issued the ranking list, where, there was no Scheduled Tribe candidate available and subsequently, i.e., on 18.11.2022, after completing the first counseling, the Selection Committee issued an errata stating that one candidate viz., R.Santhosh Kumar, belonging to Scheduled Tribe Community, obtained 151 marks in NEET Examination, has become eligible to be



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considered in the one seat i.e., 1% Scheduled Tribe quota in the said College under the IRT wards quota.

7. It is the grievance of the petitioner, where, the petitioner wants to challenge the distribution of one seat to the Scheduled Tribe candidate first, secondly, the non-distribution of at least one seat for the Scheduled Caste Arunthathiyar, thirdly, as per the original ranking list, there was no Scheduled Tribe Candidate available, therefore, the seats should have been declared vacant and should be reverted back to the Scheduled Caste Arunthathiyar automatically and if it comes to Scheduled Caste Arunthathiyar, the petitioner would have been in a position to garner the seat. This is the sum and substance of the grievance projected by Mr.P.Saravanan, learned counsel appearing for the petitioner.

8. However, Ms.M.Sneha, learned Standing Counsel appearing for the Selection Committee would submit that totally 30 seats are earmarked for the IRT wards as horizontal reservation. Wherein, it is 69%, that is vertical reservation on communal basis, which should be applied strictly.

9. In this context, insofar as the OC, BC other than Muslims, MBC, BC



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(Muslims) and SC are concerned, there is no issue. Insofar as the Scheduled Caste Arunthathiyar and Scheduled Tribes are concerned, since Scheduled Caste Arunthathiyar will be entitled to get 3% reservation every year, in that quota, 0.90 seats, which is less than one seat, would be allotted. Insofar as the Scheduled Tribe Communities are concerned, they are entitled for 1% reservation every year, only 0.30 seat alone, for which they are entitled to, which will be allotted.

10. Since the Scheduled Caste Arunthathiyar quota and Scheduled Tribe quota are in fraction, i.e., less than one seat every year, every year that kind of quota cannot be adopted by the respondent, therefore, adopting a 100 point roster and as per the roster, if a Scheduled Tribe candidate is given this year, for the next three years, there will be no allotment for the Scheduled Tribe candidate and only the fourth year, the Scheduled Tribe candidate will be eligible to get one seat. Like that, insofar as the Scheduled Caste Arunthathiyar is concerned, since less than one seat alone every year they are eligible, after two years, they have to wait for one year or after three years they have to wait for one year, in order to reach the one seat quota for every year because it is in fraction i.e., less than one seat. Therefore, every year, the Scheduled Caste Arunthathiyar quota would not get a seat.



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11. Only in that pattern, the Scheduled Caste Arunthathiyar, even though entitled for 0.90 seat i.e, less than one seat this year, they have not been given any allotment, instead, the Scheduled Tribe Community since have been waiting for reaching their quota of one per cent i.e, one seat is allotted to the Scheduled Tribe Community this year.

12. Learned Standing Counsel appearing for the Selection Committee would further submit that while issuing the ranking list, originally, the concerned candidate viz., R.Santhosh Kumar, whose mark 151 was not taken into account, because, he was at the very bottom of the ranking list and she would also submit that the IRT, in fact, has forwarded an application of the said R.Santhosh Kumar only on 08.11.2022, by the time, the first round of counseling was over. Therefore, the said application forwarded by the IRT on 08.11.2022 having been scrutinized, the Selection Committee has come to the conclusion that the said candidate i.e., R.Santhosh Kumar, since belongs to the Scheduled Tribe Community and he secured 151 marks, the one seat earmarked for Scheduled Tribe quota can be given to him and accordingly his name has been included in the ranking list, based on which, he has been selected and allotment order has been given to get admission in



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the first year MBBS course, exhausting the 1% quota, under which, one seat is earmarked for Scheduled Tribe Candidate, out of the 30 seats in the IRT quota of the Perundurai Medical College.

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

14. As has been rightly pointed out by the learned Standing Counsel appearing for the Selection Committee, since the quota for Scheduled Caste Arunthathiyar and Scheduled Tribe is 3% and 1% respectively, every year, out of the 30 seats, not even one seat would be permissible either for the Scheduled Caste Arunthathiyar or Scheduled Tribe and it comes only in fraction i.e, 0.90 seat would be permissible for Scheduled Caste Arunthathiyar and 0.30 seat would be permissible for Scheduled Tribe, therefore, the 100 point roster pattern adopted by the respondent Selection Committee is to be accepted. Accordingly, the 1 seat earmarked for the Scheduled Tribe Community this year has been given to the eligible candidate, belonging to the Scheduled Tribe Community, as whose application has been subsequently forwarded by the IRT only on 08.11.2022. In



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the first list published by the respondent Selection Committee, the name of the said candidate, though was not included, subsequently, it was included and he was the only candidate under the quota i.e., the IRT quota, therefore being the only candidate of the Scheduled Tribe community of the IRT quota, he was selected and allotment order has also been issued.

15. The said exercise undertaken by the Selection Committee, in the considered opinion of this Court cannot be found fault with, as it is strictly in accordance with the reservation policy, both horizontally as well as vertically as discussed herein above.

16. In view of the fact that the petitioner has not made out any case to have an order in favour of the petitioner, the writ petition fails, accordingly, it is dismissed. There will be no order as to costs. Consequently, the connected miscellaneous petitions are closed.

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

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