



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P. (MD)Nos.1134 and 1135 of 2022

and

W.MP (MD)Nos.948 and 952 of 2022

(Through video Conference)

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A.Priyanka .. Petitioner
in W.P(MD)No.1134 of 2022

K.Sukisha .. Petitioner
in W.P(MD)No.1135 of 2022

Vs.

1.The Principal Secretary,
Department of Health and Family Welfare,
Fort St.George, Secretariat,
Chennai- 600 009.

2.The Additional Director of Medical Education,
Secretary, Selection Committee,
162, Periyar EVR High Road, Kilpauk,
Chennai-600 010.

.. Respondents in both cases

COMMON PRAYER: Writ Petitions filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the respondents to consider the petitioner for admission to MBBS/BDS Degree Courses in Tamil Nadu Govt., Medical/Dental Colleges, I.R.T. Medical College, Perunthurai, Erode for the academic year 2021-2022 in forthcoming UG Medical Counseling on 27.01.2022 onwards under the defence quota by equal distribution of seats among the priorities I to IX any by increasing seats proportionate with the current increased seats on the basis of the order passed in W.P(MD)No.17414 of 2018 dated 08.05.2019 and as per order passed in W.A.(MD)No.610 of 2019 dated 19.08.2021 and on the basis of G.O.(Ms).No.1142 Health and Family Welfare Department, dated 30.06.2019 and based upon the petitioners' representations dated 23.12.2021 and 24.12.2021.

In both cases:

For Petitioner : K.K.Kannan

For R1 : Mr.S.Shanmugavel
Additional Government Pleader

For R2 : Mr.D.Ghandiraj
Special Government Pleader



COMMON ORDER

Since the issue raised in both the writ petitions are common and common arguments were also advanced, a common order is passed.

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2.The writ petitioner in W.P.(MD)No.1134 of 2022, A.Priyanka had filed the writ petition in the nature of mandamus, seeking consideration for admission to MBBS/BDS Degree Course in Tamil Nadu Government Medical/Dental Colleges, I.R.T. Medical College, Perunthurai, Erode, for the academic year 2021-2022. It must be mentioned that UG Medical counseling has commenced. The petitioner claims that her application may be considered under the category of wards/daughter of defence personnel.

3. The petitioner in W.P(MD)No.1135 of 2022, K.Sukisha also claims the same consideration as wards/daughter of defence personnel. It must be kept in mind that normally, some priority was given to dependents of Ex-servicemen, but, the Government of Tamilnadu had passed G.O(D)No.33 Health and Family Welfare (MCA-1) Department, dated 10.01.2022, recognising the fact that even serving defence personnel are also putting their lives on the line for the sake of the security of the nation and therefore, their children, who have aspiration to join MBBS/BDS courses also be considered to a little extent on a priority basis.

4. By this particular Government Order referred above, the Government, after considering the Division Bench order in W.A(MD) No.610, dated 19.08.2021, had brought an amendment to include also wards/dependents of serving personnel. It is pointed out by Mr.D.Ghandiraj, Special Government Pleader that though other States and the Central Government gives only 2%, Government of Tamilnadu had increased the quota from 6 to 11 seats, ie., 10 seats for MBBS course and 1 seat for BDS course and in these increased seats, the dependents of service personnel are also to be accommodated.

5. It is the contention of the learned counsel for the petitioners that there must be equal distribution during consideration of the wards of Ex-servicemen and Servicemen, who are now in service. However, the Government Order has increased number of seats on the basis of the judgment passed in W.A(MD)No.610 of 2019, dated 19.08.2021. I would leave it to the realm of the second respondent, while distributing seats for wards of Ex-servicemen/Service personnel to deeply consider the direction given in W.A(MD)No.610 of 2019, dated 19.08.2021, particularly, the direction in paragraph No.19. Moreover, G.O(D)No.33 Health and Family Welfare (MCA-1)Department, dated 10.01.2022, must also be kept in mind and be followed in letter and spirit by the authorities.



6. With such observation, these writ petitions are disposed of.
No Costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (DR-A/C)

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// True Copy //

/ /2022

Sub Assistant Registrar(CS)

PJL

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

1. The Principal Secretary,
Department of Health and Family Welfare,
Fort St. George, Secretariat,
Chennai- 600 009.

2. The Additional Director of Medical Education,
Secretary, Selection Committee,
162, Periyar EVR High Road, Kilpauk,
Chennai-600 010.

+2 CC to M/s.K.K.KANNAN, Advocate (SR-4090,4092[F] dated 03/02/2022)

+1 CC to M/s.SPL.GP (SR-4220[F] dated 04/02/2022)

W.P. (MD) Nos.1134 and 1135 of 2022
03.02.2022

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