



W.P.No.26790 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.09.2023

CORAM

MR.JUSTICE N.SESHASAYEE

W.P.No.26790 of 2023

S.Kathiravan

... Petitioner

Vs.

1.Government of Tamilnadu
Health and Family Welfare Department
Represented by its Principal Secretary
Fort St. George
Chennai 600 009

2.Director of Medical Education
No.162, EVR Periyar Salai, Kilpauk
Chennai 600 010

3.The Tamilnadu Dr.M.G.R.University
Represented by its Vice Chancellor
No.69, Annasalai, Guindy
Chennai 600 032

4.The Director
Directorate of Indian Medicine and Homeopathy
A.A.G.H.I.M. Campus, Arumbakkam
Chennai 600 106

... Respondents

PRAYER: The writ petition filed under Article 226 of the Constitution of India, to



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issue a Writ of Mandamus, directing the 4th respondent to take appropriate action to provide 7.5% reservation to the petitioner as per G.O.Ms.No.438 dated 29.10.2020.

For Petitioner : Mr.T.Ramkumar

For Respondents : Mr.C.Kathiravan
Special Government Pleader - R1, 2 & 4

M/s.Ramalingam & Associates - R3

ORDER

The petitioner herein seeks admission for his Bachelor degree in Naturopathy and Yogic Sciences (BNYS) under the 7.5% reservation set apart for students who have studied in Government school for the last five years including and prior to XII standard based on G.O.(Ms).No.438, Health and Family Welfare (MCA.1) Department, dated 29.10.2020.

2.Mr.C.Kathiravan, the learned Special Government Pleader made a statement that this aspect has been clarified by a communication from the 4th respondent herein to the Director of Indian Medicine Homeopathy, where it has indicated that G.O.(Ms).No.438 dated 29.10.2020 will have application only for NEET



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examination and it is not extended to other courses. He also circulated a copy of the said communication and the same is recorded.

3. Inasmuch as it is a policy decision of the Government not to extend G.O.(Ms).No.438 to other courses such as Bachelor of Naturopathy and Yogic Sciences, this Court may not come to the rescue of the petitioner. The learned counsel for the petitioner however, brought to the notice of the Court the application for the academic year 2022-2023 issued by the Directorate of Indian Medicine and Homeopathy, wherein a specific column is set aside for indicating whether the candidate claims reservation under 7.5%. While this is true, at the end of the day unless G.O.(Ms).No.438 is extended to other courses, other than those covered by NEET regime, this Court cannot automatically extend the same.

4. It is now for the Government to consider whether G.O.(Ms.).No.438 dated 29.10.2020 can be extended to other courses such as Bachelor of Naturopathy and Yogic Sciences.



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N.SESHASAYEE, J.

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5.Subject to the above, this writ petition stands disposed of. No costs.

20.09.2023

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Index : yes / no
Neutral citation

To

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