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W.P.No.25340 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.08.2023

CORAM : JUSTICE N.SESHASAYEE

W.P.No.25340 of 2023

Minor C.Janani

.... Petitioner

Vs

1.The State of Tamil Nadu
Rep by Principal Secretary to Government
Health and Family Welfare Department
Secretariat, Chennai - 600 009.

2.The Director
Tamil Nadu Medical Education and
Research Department
Periyar E.V.R. High Road
Kilpauk, Chennai - 600 010.

3.The Secretary
Selection Committee (Medical Education)
O/o. The Director of Medical Education
Kilpauk, Chennai - 600 010.

4.The Secretary
National Medical Commission
Pocket-14, Sector-8, Dwaraka Phase-I
New Delhi - 110 077.

.... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the third respondent to consider the candidature of the petitioner (Application No.23UG802878 and Roll No.4101090376) as a candidate eligible for the special category of Linguistic Minority for the admission to MBBS/BDS UG Course Sessions 2023-2024.

For Petitioner : Mr.R.Munuswamy

For Respondents : Mr.V.Manoharan
Additional Government Pleader [R1&R2]
Mrs.M.Sneha for R3
Ms.Shubharanjani Ananth for R4

ORDER

The petitioner herein has applied for admission to the medicine UG programme under management quota for the academic year 2023-2024. She claims that she is a linguistic minority, as her mother tongue is Telugu. She now seeks a direction to the third respondent to consider her candidature for admission into MBBS/BDS UG course under linguistic minority quota within the management quota.

2. Mr.V.Manoharan, learned Additional Government Pleader takes notice



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for respondents 1 and 2, Mrs.M.Sneha for the third respondent and Ms.Shubharanjini Ananth for the fourth respondent.

3. The learned counsel for the petitioner submitted that the petitioner is a young girl and that in her online application for MBBS/BDS (Management Quota) for the year 2023-2024, she by oversight failed to mention that she is applying under the category 'linguistic minority', and that her future is now in question since the first round counselling for management quota was already completed. The learned counsel for the petitioner submits that the petitioner has now obtained a linguistic minority certificate in the prescribed format, and it may be considered.

4.Mrs.M.Sneha, learned counsel appearing for the third respondent, after producing the print-out of the entire materials which the petitioner has uploaded in her online application, submitted on instructions, that in the application submitted by the petitioner, she has mentioned 'NO' as against the column intended for 'Apply under Linguistic Minority Category?'. The learned counsel added that under Clause 7 of the prospectus for admission to MBBS / BDS under Management Quota including Minority / NRI seats



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which prescribes the eligibility criteria for applying for linguistic minority seats, clearly specifies that the candidates who are eligible to claim linguistic minority seats should produce the certificates in a prescribed format at the time when she registered through online application for counselling. She added that the first round of counselling was over by 06.08.2023 and the choice-locking for the second round of counselling has commenced today.

5. This Court weighed rival submissions. It is evident that initially the petitioner did not want to claim under the linguistic minority quota, when she categorically declined to opt for it in her online application. May be by a belated dawning of wisdom, she now wants her candidature to be considered under the linguistic minority quota and had obtained the certificate under the prescribed format only on 19.08.2023.

6. The prospectus was released on 26.06.2023, and the petitioner had all the time to go through the same and fulfill it. It is now the responsibility of every candidate to carefully go through the prospectus. After all thousands of students have done it, and are doing it. Secondly, even if corrections



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need to be made, there is a time frame within which it may have to be attempted so that the schedule for admission is not seriously interfered with.

This is important since Court cannot create any imbalance vis-a-vis the opportunities of equal-students who play the game - apply for counselling - as per the prospectus. If during the middle of the admission process, if the prayer such as the one now made is entertained, it will not only interfere with the opportunities of those students who have followed the rule book. They cannot be penalised and without a hearing for no fault of theirs, but also give a wrong message that some are more preferred within the system. No litigant is a preferred litigant before this Court.

7. This Court sympathetic to the situation which the petitioner has created for herself, but sympathy cannot be a ground to consider the case of the petitioner, as if she is entitled to some degree of preference in a judicial forum, since her wild card entry at this stage may upset the entire equation and the prospects of several others. This Court is conscious that when it passes any order, not only must it take into consideration the case of the litigant before it, but also the interests of the other students who are not before it. The doctrine of equality operates not just between the petitioner



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and the respondent before the Court, but the right to equal treatment of several other candidates vis-a-vis the prospectus. After all there may be other students who might have missed the bus on the grounds of such avoidable negligence, and if this Court has to open the window for one, then its conscience dictates that it ought to open the window for all those who are similarly placed. This would then imply that it would be some kind of an amnesty scheme propounded by the Court for the benefit of the defaulted students.

8. Wishing the petitioner a good luck for the next academic year, this Court is constrained to dismiss this petition for this year. No costs.

25.08.2023

Index : Yes / No
Speaking order / Non-speaking orders

Note : Issue order copy on 30.08.2023



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To:

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N.SESHASAYEE.J.,

ds

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