



W.P.No.26006 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 04.09.2023

Pronounced on : 11.09.2023

CORAM : JUSTICE N.SESHASAYEE

W.P.No.26006 of 2023
and WMP.Nos.25430 & 25432 of 2023

S.Sivasakthi

...

Petitioner

Vs.

1. Government of Pondicherry
Rep by the Secretary to Government
Department of Higher and Technical Education
Government of Puducherry
Puducherry - 605 001.
2. The Director
Department of Health and Family Welfare Services /
Nodal Officer NEET (UG)
Government of Puducherry
Puducherry - 605 001.
3. Centralized Admission Committee (CENTAC)
Government of Puducherry
Rep by its Convenor
Kamarajar Mani Mandapam
Lawspet, Puducherry - 605 008.

4. V. Jaiprakash

...

Respondents



W.P.No.26006 of 2023

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for a Writ of Certiorarified Mandamus calling for the entire records on the file of the 3rd respondent herein pertaining to Show Cause Notice No.CENTAC/Admin/2023-24/23124 dated 31.08.2023 and all related proceedings and quash the same and to direct the official respondents herein to allot admission to 1st year MBBS Course for the year 2023-2024 to the petitioner herein based on her merit ranking in Meritorious Sports Person List for the UG NEET Courses 2023-2024.

For Petitioner : Mr.T.Mohan, Senior Counsel
for M.Ravi

For Respondents : Mr.A.Tamilvanan
Additional Government Pleader (Pondy)
R1 to R3

ORDER

The short question involved in this case is whether a Meritorious Sports Person (MSP) can use the privilege as a MSP multiple times while seeking admission under the MSP quota.

2. The petitioner herein appeared for the NEET Examination for the academic year 2022-2023, and obtained a seat in dental medicine under



W.P.No.26006 of 2023

MSP quota, and for which one seat is earmarked every year. The petitioner joined the BDS course too. This year, she again sat for the NEET examination for the current academic year 2023 - 2024 as she is now keen to join the Medicine (UG) course, again under the MSP quota. Her name figures in the merit list prepared by the third respondent, the CENTAC. After the publication of the merit list, CENTAC issued a show-cause notice dated 31.08.2023 to the petitioner requiring her to explain how she is eligible to use the MSP card yet again in the current academic year, she having used it once in the last academic year. This show cause notice is under challenge here. The situation has arisen because in Clause 15 of the G.O. Ms. No.53 dated 24.05.2012, issued by the Secretariat of Education, Puducherry, a restriction is stipulated as to the number of times a MSP quota can be utilised by a candidate. It reads: *'A candidate can utilise the sports quota only once for these admissions'*

3. Mr.T.Mohan, learned senior counsel appearing for the petitioner submitted:

- a) Even though the petitioner had applied under the MSP quota and joined BDS course in the last academic year (2022-23), she could



W.P.No.26006 of 2023

WEB COPY

have been accommodated even in non MSP quota, since at least 23 seats remained unfilled for the BDS course in the last year.

Therefore, the candidature of the petitioner can be easily be treated as one among the remaining 23 seats, and this will keep alive her privilege to utilise the MSP quota for another year;

- b) Clause 15 of the G.O. Ms. No.53 dated 24.05.2012, is ambiguous as it does not stipulate whether the MSP quota can be used once in a sports person's life time, or once in a year; and
- c) On facts, the show cause notice was issued after the final merit rank list was published, and hence the CENTAC does not have the authority to issue the show cause notice.

4. The learned counsel for the respondents argued that MSP quota can be used only once and it cannot be used for multiple times. And, even though Clause 15 does not specifically state so, the intent is to confine it to one-time use in a candidates life time.

5. After carefully weighing the rival contentions, this Court finds it difficult to persuade itself to subscribe to the submissions of the petitioner's counsel.



W.P.No.26006 of 2023

The reasons are:

WEB COPY

a) The quota reserved for a Meritorious Sports Person for seeking admission to the only seat set aside for admission to medical courses, is a kind of privilege accorded to a MSP. It is a kind of genie or a wand given to a MSP. How to use it, when to use it, depends on the individual choice of the sports person. When a candidate has used it once, it literally forecloses the options for other sport person for that course in the academic year in which it was used. Now merely because some seats not intended for MSP were not filled up has little relevance here. After all when the petitioner used her MSP-card, it was not done in anticipation that some seats would fall vacant. And if only she had that foresightedness, she need not have used her MSP option, could have reserved it for a later stage, and could have joined the course under the general category. The condition stipulated is all about how many times a MSP quota can be used. The Rule says it can be used only once. And it is not qualified with any exception to use it another time in the eventuality some seats remain un-filled up in the academic year in which a candidate has applied under the MSP quota. To state it differently, use of the MSP card is not made to



W.P.No.26006 of 2023

WEB COPY

depend on how seats are filled up for a course for joining which a candidate has used the MSP card.

- b) It needs to remember that when once a candidate joins a course under the MSP quota, he or she is expected to prosecute and complete the course, and has not been put in place for those who intend to break the studies in the middle of the curriculum, as in the present case. If the argument of the petitioner were to be accepted, then, every year, some one who had already exhausted the MSP card, and thereby blocked another MSP candidate in one academic year in one course, will again block the opportunity of another MSP candidate for another course in another academic year. A MSP card is not a wild card that can be used to block the prospects of other eligible MSP students year after year. That will be pernicious and violates the right to equal opportunity of other students. Any other interpretation or understanding can be accommodated, for it will produce consequences which the Constitutional theme of equality cannot support. The point is MSP quota is an one-time-use-genie, and once it is used, it necessarily gets exhausted, never to return again.



W.P.No.26006 of 2023

WEB COPY

6. Turning to the allegation that CENTAC does not have authority to issue the show cause notice after the publication of final merit list is concerned, this Court is informed that the online application procedure does not provide a column for indicating if the MSP quota has already been used. Possibly this eventuality might not have been in the contemplation of the authority who designed the online portal for applying for the medical course. Therefore, the authority did not have an opportunity to know about the earlier use of MSP card by the petitioner. And when once it was alerted, it issued the show cause notice.

7. This Court does not find it to be illegal or invalid, since what it attempts to ensure is that the MSP quota is not misused by blocking the right to equal opportunity of other eligible sports person to seek admission under the MSP quota through multiple user by the same candidate. An unexpected situation has arisen which may not be in contemplation, but it is still required to be met. This precisely what the respondent has now done.

8. To avoid any further confusion in the issue, and a need for an



W.P.No.26006 of 2023

interpretative exercise in future, this Court,

WEB COPY

- a) directs the Government of Puducherry to issue a guideline on MSP quota with absolute clarity; and
- b) directs that web-portal for online application be suitably modified to include a column pertaining to any earlier use of MSP quota by a candidate.

9. In the result, this petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

11.09.2023

ds

Index : Yes / No

Internet : Yes / No

Speaking order / Non-speaking order



W.P.No.26006 of 2023

To:
WEB COPY

1. Government of Pondicherry
Rep by the Secretary to Government
Department of Higher and Technical Education
Government of Puducherry
Puducherry - 605 001.
2. The Director
Department of Health and Family Welfare Services /
Nodal Officer NEET (UG)
Government of Puducherry
Puducherry - 605 001.
3. Centralized Admission Committee (CENTAC)
Government of Puducherry
Rep by its Convenor
Kamarajar Mani Mandapam
Lawspet, Puducherry - 605 008.



WEB COPY



W.P.No.26006 of 2023

N.SESHASAYEE.J.,

ds

Pre-delivery order in
W.P.No.26006 of 2023

11.09.2023