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W.A.No.2544 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.09.2023

CORAM :

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.D.AUDIKESSAVU

W.A.No.2544 of 2023

S.Sivasakthi

.. Appellant

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.A.No.2544 of 2023

Prayer : Appeal under Clause 15 of the Letters Patent against the order passed by the learned Single Judge in W.P.No.26006 of 2023 dated 11.09.2023.

For the Appellant : Ms.Kavitha Rameshwar
for M/s.M.Ravi
For the Respondent : Mr.S.Raveekumar
Govt. Pleader (Puducherry)
for respondent Nos.1 to 3

JUDGMENT

(Delivered by the Hon'ble Chief Justice)

We have heard Ms.Kavitha Rameshwar, learned counsel for the appellant and Mr.S.Raveekumar, learned Government Pleader (Puducherry) for respondents 1 to 3.

2. The appellant had filed W.P.No.26006 of 2023 challenging the show cause notice dated 31.8.2023 and seeking further directions against the official respondents to allot admission to the First Year MBBS course for the academic year 2023-2024 under the Meritorious Sports Personnel quota for the UG NEET Courses 2023-2024. The learned Single Judge dismissed the writ petition. Aggrieved thereby, the present appeal is filed.



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3. Learned counsel for the appellant strenuously contends that the respondent authorities and the learned Single Judge have taken a very hyper-technical approach while interpreting Clause 15 of the Guidelines for admission of students under the Meritorious Sports Personnel quota.

4. Learned counsel for the appellants further submits that a candidate can utilise the sports quota only once for the admission. The appellant, for the last academic year, viz., 2022-2023, had sought admission to the MBBS course under Meritorious Sports Personnel quota. However, she could not get admission under Meritorious Sports Personnel quota and she was considered for admission to the BDS course. For the BDS course, 23 seats had remained vacant. As such, the appellant even otherwise would have got admission under the general category and no other person from the Meritorious Sports Personnel quota would be affected. Hence, it cannot be said that the appellant utilised the Meritorious Sports Personnel quota for the academic year 2022-2023. Applying



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under the Meritorious Sports Personnel quota would be different from utilising the sports quota, according to learned counsel for the appellant.

5. Learned counsel for the appellant also submits that the one objecting to the admission of the appellant under Meritorious Sports Personnel quota is the person at S.No.5 of the list and the appellant is at S.No.3. Even if the appellant is not given seat, it will not go to the objector.

6. Learned Government Pleader (Puducherry) submits that for the BDS course, the appellant was considered under the Meritorious Sports Personnel quota for the academic year 2022-2023. As such, for the present year, the appellant could not be considered under the sports quota again.

7. We have considered the submissions and also gone through the judgment passed by the learned Single Judge.



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8. Clause 15 of the Guidelines for Admission of Students under the Meritorious Sports Personnel quota reads thus:

"15. A candidate can utilise the sports quota only once for these admissions."

9. The appellant claims to be a national champion in roller skating. The appellant is issued with the sports certificate to that effect. The appellant, for the academic year 2022-2023, applied for admission to the MBBS course under the Meritorious Sports Personnel quota. Unfortunately, the appellant could not get admission to the MBBS course, even under Meritorious Sports Personnel quota. However, she got admission to the BDS course. The application of the appellant for admission even to the BDS course was under Meritorious Sports Personnel quota. It is another thing that about 23 seats remained vacant. Even if the appellant had not applied under the sports quota, she would probably have been considered under the general category. However, it is not in dispute that the appellant was considered under the Meritorious Sports Personnel quota during the entire admission process for the



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academic year 2022-2023.

10. The appellant has already utilized the sports certificate for admission in the academic year 2022-2023 and the appellant has secured admission under the Meritorious Sports Personnel quota for the BDS course. The certificate stands utilised.

11. In the light of the above, the judgment delivered by the learned Single Judge cannot be faulted with.

The writ appeal, accordingly, stands disposed of. There will be no order as to costs. Consequently, C.M.P.No.21358 of 2023 is closed.

(S.V.G., CJ.)

(P.D.A., J.)

14.09.2023

Index : Yes/No
Neutral Citation : Yes/No
sasi



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