



WP(MD)No.18178 of 2023

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED: 03.08.2023**

**CORAM:**

**THE HONOURABLE MR.JUSTICE B.PUGALENDHI**

**WP (MD) No.18178 of 2023**

**and**

**WMP (MD) Nos.15162, 15164 and 15166 of 2023**

Minor S.Priyadharsan

... Petitioner

Vs

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

2.The Director of Medical Education and Research,  
Ministry of Health and Family Welfare,  
Government of Tamil Nadu,  
Chennai.

3.The Secretary,  
The Selection Committee,  
Directorate of Medical Education and Research,  
No.162, Periyar EVR High Road,  
Kilpauk,  
Chennai - 600 010.

4.The Common committee,  
Sports Development Authority of Tamil Nadu,  
Chennai.

... Respondents

[R4 is suo motu impleaded vide  
order dated 26.07.2023 ]



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PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a writ of Certiorafied mandamus to call for the records relating to the impugned provisional rank list of candidates eligible for sports category dated Nil published on 24.07.2023 (MBBS/BDS) (Government quota) Course 2023-2024 Session) by the 3rd respondent and quash the same and consequently direct the respondents to issue revised rank list for special reservation for Eminent Sports Person by awarding 330 marks to the petitioner's son and conduct counselling in pursuance of the revised rank list for the sports quota.

For petitioner : Mr.D.Shanmugaraja Sethupathi  
For Respondent : Mr.J.Ravindran,  
Nos.1 and 2 Additional Advocate General  
assisted by  
Ms.D.Farjana Ghousia  
For Respondent : Ms.Sneka  
No.3  
For Respondent : Mr.Azhaguram  
No.4

**ORDER**

The petitioner S.Priyadharsan is a minor and he is represented by his mother and natural guardian. He



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has appeared in the National Eligibility cum Entrance Test conducted on 07.05.2023. He is an athlete in Roller Skating. He has participated in the State Level Championships Competitions and won Gold Medals. He has also won a Gold Medal in a District Level Competition in the year 2019. The petitioner claims that her son is entitled for 95 marks for acquired Gold Medals in the state level championship competition. The petitioner with a grievance that the Gold Medal won by her son for the academic year 2021-2022 has not been considered by the 3<sup>rd</sup> respondent, has filed this writ petition as against the rank list dated 24.07.2023 published by the respondents and for a consequential direction to revise the rank list by awarding marks to her son for the Gold Medals won by him for the year 2021-2022.

2.The learned counsel for the petitioner submits that the petitioner's son has participated in the State Level Competitions in Roller Skating and has won Gold Medals consecutively for the year 2020-2021, 2021-2022 and 2022-2023 conducted by the Tamil Nadu



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Roller Skating Association. However,

the respondents have not taken into consideration of the gold medal won by him in the tournament conducted for the year 2021-2022. It is to be noted that due to Covid-19 pandemic, the tournament for the year 2021 - 2022 was conducted belatedly in the month of June 2022, instead of May 2022. Therefore the petitioner's son ought to have been provided marks for the year 2021-2022 also. He further submits that since he is having three Gold Medals, one medal for each academic year, ie., for the year 2020-2021, 2021-2022 and 2022-2023, he should be provided marks for each year tournament as per clause 4(c)(1) of Annexure VII of the prospectus and if marks have been provided as above, the petitioner would have got admission in the MBBS seat. Therefore, this writ petition to be allowed.

3.The learned Additional Advocate General appearing for the respondents submits that as per clause 5 of the prospectus, the candidates who are applying under eminent sports persons category have



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to first submit their application both through online and offline mode and then have to submit the downloaded filled in online application along with two sets of enclosures on or before 10.07.2023 (thereafter time was extended till 12.07.2023) in person in the 3<sup>rd</sup> respondent's office. Moreover in clause 14(e) of the prospectus it has been categorically held that, apart from online mode application, the candidates applying under eminent sports person should submit the downloaded filled in online application along with two sets of enclosures on or before the last date to the 3<sup>rd</sup> respondent. As per clause 14(3) of the prospectus, the number of seats reserved for Eminent Sports Person are 8 seats (MBBS-7 seats and BDS-1).

4.The learned Additional Advocate General further submits that the candidates were instructed to arrange the sports certificate as per the serial number starting from June 2019 as given in the Annexure VII (a) and (b) and only one highest achievement in the tournament (among the



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International, National, State, Divisional and District) in an academic year in the sports disciplines listed in Table VIII will be considered for awarding marks. In clause 5 of the Annexure VII in the tabular column, it has been specifically stated that the type of forms to be attached with the certificates. For the academic year 2022-2023, the petitioner had produced two certificates, (i) for having won gold medal in State Level Tournament conducted in the month of November 2022; and (ii) for having participated in the National Level Tournament, in the month of December 2022. As per the prospectus, only one highest achievement in a tournament in an academic year was considered and marks were awarded for having won the Gold Medal.

5.The learned Additional Advocate General further submits that for the academic year 2021-2022, the petitioner had produced two certificates (i) for having won the Gold medal in State Level Tournament in the month of June 2022; and (ii) for having participated in the National Level Tournament in the



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month of December 2021. The first certificate cannot be considered for the academic year 2021-2022, since it was issued in the month of June 2002, it has to be considered for the academic year 2022-2023, for which already marks have been provided by taking into consideration of the certificate issued in the month of November 2022. Therefore the certificate issued in the month of June 2022 could not be considered. With respect to the other certificate produced by the petitioner for participation in the National Level Tournament issued in the month of December 2021, it could not be considered due to non submission of Form II, which is mandatory as per the prospectus. Since the petitioner has not produced Form -II as required, the certificate was not considered.

6.The petitioner has now produced the Form II for the participation in National Level Tournament before this Court and this Form was only obtained on 26.07.2023 after the cut-off date for submitting Form-II. The certificate of six other candidates for the participation in the National Level Tournaments



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have been rejected on the very same ground that they have not submitted their Form II. Further, 179 applications were received for 8 seats under the sports quota, counselling for all those 8 seats was completed on 27.07.2023 and the allotment orders were also issued to the candidates.

7.This Court considered the rival submission and perused the materials placed on record.

8.The petitioner's son has appeared in the National Eligibility cum Entrance Test conducted on 07.05.2023 for admission of MBBS/BDS courses. The petitioner's son is an athlete and he has participated in the State Level Skating Competition conducted by the Trichy Regional Roller Skating Association.

9.The Trichy Roller Skating Association has conducted the 30<sup>th</sup> Tamil Nadu State Roller Skating Championship Competition from 3<sup>rd</sup> March to 5<sup>th</sup> March of 2021 for the academic year 2020-2021.



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The petitioner's son who has participated in the said competition has won the gold medal. The Trichy Roller Skating Association has conducted the 31<sup>st</sup> Tamil Nadu State Roller Skating Championship Competition on 8<sup>th</sup> and 9<sup>th</sup> of June 2022 for the academic year 2021-2022. The petitioner's son has participated in this Competition and also bagged gold medal. The 32<sup>nd</sup> Tamil Nadu Roller Skating Championship Competition was conducted from 3<sup>rd</sup> to 6<sup>th</sup> November 2022 for the academic year 2022-2023. The petitioner's son participated in the competition and has won gold medal. Since the tournament for the academic year 2021-2022 was conducted in the month of June 2022, it was not considered by the respondents for awarding marks stating as it falls under the academic year 2022-2023, for which already marks were provided.

10.It is relevant to extract clause - II of Annexure VII of the Prospectus for Admission to MBBS/BDS Degree Courses 2023-2024 Session and which reads as follows:



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"2.The candidate shall submit all the sports certificates along with participation certificates and relevant forms issued by Association / Federation concerned, but only one highest achievement in a tournament (among the International, National, State, Divisional and District ) **in an academic year in the sports disciplines listed in Table VIII will be considered for awarding marks.**"

11.As per the above clause, the highest achievement in a tournament in an academic year will be considered for awarding marks. The petitioner claims that due to Covid-19 pandemic, the tournament for the academic year 2021-2022 was conducted belatedly in the month of June 2022, instead of May 2022. The issue to be decided is whether the petitioner is entitled for marks for the certificate for having won the gold medal in the State Level Championship competition conducted in the month of June 2022 for the academic year 2021-2022. In this regard it is relevant to extract Clause 4 (c) (1) of



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Annexure - VII of the prospectus and the same is  
extracted hereunder:

*"1.State Level Tournaments should officially be recognised as the regular annual championship or tournament by respective official state association or SAI or SDAT will be considered (**for each year**) for awarding marks."*

12.Thus as per the above clause, tournament conducted by the State Association in each year has to be considered for awarding marks, whereas, clause 2 of Annexure-VII states that only one highest achievement in a tournament in an academic year will be considered for awarding marks. The petitioner claims that the tournament conducted in the month of June 2022 falls under the term "each year tournament" as per the definition of Clause 4 (c) (1) of Annexure - VII and therefore, the petitioner has to be provided for marks for the certificate issued in the month of June 2022, as it is a tournament for the year 2021-2022, though it was conducted in the month of June 2022. Whenever there are two meanings are



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possible, Rules of Interpretation come into play.

It is relevant to extract the decision of the Hon'ble

Apex Court in **Anwar Hasan Khan Vs Mohammad Shafi and**

**Ors [AIR 2002 SC 2984]**, which reads as follows:

"8. It is settled that for interpreting a particular provision of an Act, the import and effect of the meaning of the words and phrases used in the statute has to be gathered from the text, the nature of the subject matter and the purpose and intention of the statute. It is cardinal principle of construction of a statute that effort should be made in construing its provisions by avoiding the conflict and adopting a harmonious construction. The statute or rules made thereunder should be read as a whole and one provision should be construed with reference to the other provision to make the provision consistent with the object sought to be achieved. The well-known principle of harmonious construction is that effect should be given to all the provisions and a construction that reduces one of the provision to a "dead letter" is not harmonious construction."



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13.It is also relevant to extract the decision of the Hon'ble Apex Court in ***Mahadeolal Kanodia vs. The Administrator General of West Bengal*** reported in [AIR 1960 SC 936], which reads as follows:

*"8.....The third rule is that if in any legislation, the general object of which is to benefit a particular class of persons, **any provision is ambiguous so that it is capable of two meanings, one which would preserve the benefit and another which would take it away, the meaning which preserves it should be adopted.....**"*

14.Therefore applying the Rules of Harmonious Construction and the Beneficial Rule of Interpretation as laid down by the Hon'ble Apex Court in the above cited judgments, this Court comes to a conclusion that the petitioner's son has to reap the benefit. Further there is no dispute that the petitioner is an athlete and he has won in the competitions as narrated above.



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15.Considering the Rules of Interpretation as laid down by the Hon'ble Apex Court in the above cited judgments, the tournament was being conducted each year and for a particular academic year it was conducted in the next academic year due to outbreak of Covid-19 Pandemic, this writ petition is allowed with a direction to the respondents to provide marks for the certificate issued in the month of June 2022 also, for having won the gold medal. No costs. Consequently connected miscellaneous petitions are closed.

03.08.2023

NCC : Yes / No

Index: Yes / No

Note: Issue order copy today  
dsk  
To

- 1.The Secretary to Government,  
Department of Health and Family Welfare,  
Secretariat, Fort St.George,  
Chennai - 600 009.
- 2.The Director of Medical Education and Research,  
Ministry of Health and Family Welfare,  
Government of Tamil Nadu, Chennai.
- 3.The Secretary,  
The Selection Committee,

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Directorate of Medical Education and Research,  
No.162, Periyar EVR High Road,  
Kilpauk, Chennai - 600 010.

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- 4.The Common committee,  
Sports Development Authority of Tamil Nadu,  
Chennai.



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**B. PUGALENDHI , J .**

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