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W.P.No.25180 of 2024

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 28.08.2024**

**CORAM**

**THE HONOURABLE MR.JUSTICE M.DHANDAPANI**

**W.P.No.25180 of 2024  
and W.M.P.Nos.27500, 27502 and 27506 of 2024**

G.Sriranjini

... Petitioner

Vs.

1. The Government of Tamil Nadu,  
Rep.by its Secretary to Government,  
Department of Health and Family Welfare,  
Namakkal Kavignar Maaligai,  
Fort St.George, Chennai-600 009.
- 2.The National Medical Commissions,  
Rep.by its Secretary,  
Pocket-14, Sector-8,  
Dwarka Phase-1,  
New Delhi-110 077.
- 3.The Directorate of Medical Education,  
Rep.by the Director of Medical Education,  
No.162, Periyar E.V.R.High Road,  
Kilpauk,  
Chennai-600 010.



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4.The Selection Committee,  
Rep.by the Additional Director of Medical Education/Secretary,  
Section Committee  
No.162, Periyar E.V.R.High Road,  
Kilpauk,  
Chennai-600 010.

5.The Tamil Nadu Medical Council,  
Rep.by its Chairman,  
No.914, Poonamalle High Road,  
Arumbakkam, Chennai.

6.The Commanding Officer,  
Artillery Records,  
Nasik Road Camp,  
Pin code-908 802.

7.The Assistant Director,  
Ex-Servicemen Welfare Board,  
Tiruvannamalai District,  
District Collector Office,  
Tiruvannamalai.

...

Respondents

**PRAYER :** Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus to call for the records pertaining to the Provisional List of Candidates Eligible for Ex-servicemen Quota for the MBBS/BDS (Government Quota) Course for the year 2024-2025 of the fourth respondent herein and quash the same as illegal insofar as the petitioner is concerned and consequentially, direct the fourth respondent to place the petitioner in the 4th place in the Seniority List by considering her name in the Priority-III Category as per the guidelines



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issued by the Ministry of Defence.

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For Petitioner : Mr.K.Rajendra Prasad

For Respondents : Ms.Subharanjani Ananth for R2  
Mr.E.Sundaram  
Government Advocate  
for R1 and R3  
Ms.M.Sneha  
Standing Counsel for R4  
Mr.A.R.Sakthivel  
Senior Panel Counsel for R6

### **ORDER**

This Writ Petition has been filed challenging the Provisional List of the candidates eligible for the Ex-servicemen Quota for MBBS/BDS (Government Quota) Course for the year 2024-2025 issued by the fourth respondent and for a consequential direction to the fourth respondent to place the petitioner in 4th place in the Seniority List by considering her name in Priority-III Category as per the guidelines issued by the Ministry of Defence.

2. The learned counsel appearing for the petitioner submits that the petitioner's father was working as Soldier in Indian Army and he died in



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the train, while he was on duty. The petitioner completed Higher Secondary Education in the year 2023 and applied for NEET UG Exam and secured 289 marks in the NEET Exam. Thereafter, the petitioner applied for admission to MBBS/BDS Course under the Ex-servicemen Quota and has furnished all the documents specified by the Selection Committee including the Priority Certificate issued by the seventh respondent. The Ministry of Defence, Department of Ex-servicemen Welfare, has issued guidelines to all the States vide letter dated 21.05.2018 stipulating the procedure to be followed for giving priority to the Widows/Wards of the Ex-servicemen for admission to Medical/Professional/Non-Professional Courses. While so, the fourth respondent has released the Provisional List of candidates eligible for Ex-servicemen Quota for MBBS/BDS (Government Quota) Course for the year 2024-2025 on 20.08.2024, wherein, the fourth respondent placed the name of the petitioner in Serial No.332 out of 363 candidates, and in Priority-VI Category, and the list did not disclose any details about the marks obtained by the candidates. Challenging the same, the present writ petition has been filed.



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3. The learned counsel appearing for the petitioner submits that as per the Certificate issued by the seventh respondent, the name of the petitioner has to be placed in Priority-III Category, however, the fourth respondent unilaterally published the merit list and placed the name of the petitioner in Serial No.332, and Priority-VI Category and it requires interference of this Court.

4. The learned counsel appearing for the fourth respondent submits that already selection process was over and the rank list was published on 19.08.2024 and the Ex-Servicemen Quota seats were also filled on 20.08.2024 and after filling up the seats, the present writ petition has been filed by the petitioner. If at all the petitioner was aggrieved by the provisional list published by the fourth respondent, she would have approached the Court at the earliest. Accordingly, he prays for dismissal of this petition.



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5. The learned counsel appearing for the sixth respondent submits that the Certificate issued by the seventh respondent dated 10.06.2024 was subject to further scrutiny by a Committee formed at the Directorate of Ex-Servicemen Welfare as per G.O.Ms.No.1733, Public (ESM) Department, dated 11.09.1986, wherein, it has been stated that the decision of the Committee will be final. In respect of the death of the petitioner's father, after issuance of the Certificate, the sixth respondent has placed the matter before the Selection Committee and arrived at a decision that the petitioner's father died due to Pulmonary Tuberculosis developing in an established case of HIV Positivity at a later date which is considered as a part of AIDS complex and is not attributable to Military Service in terms of Para 1 of Chapter VI of GMO 2022, Amendment 2008 and the said decision was communicated to the petitioner vide order dated 04.12.2014. In view of the above decision, the petitioner is entitled to Priority-VI category and not Priority-III category.



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6. Heard the learned counsel appearing for the petitioner, the learned Government Advocate appearing for the respondents 1 and 3, the learned counsel appearing for the second respondent, the learned Standing Counsel appearing for the fourth respondent and the learned Senior Panel Counsel appearing for the sixth respondent.

7. The petitioner claims that her father was working as Soldier in Indian Army and he died in Train while he was on duty and she has applied for Admission to MBBS/BDS Course under Ex-servicemen Quota and furnished all the documents including the Priority Certificate issued by the seventh respondent. However, in the impugned provisional list of candidates eligible for Ex-servicemen Quota for MBBS/BDS (Government Quota) Course for the year 2024-2025 published by the fourth respondent, her name was placed in Serial No.332 and Priority-VI Category instead of placing her name in Priority-III Category.



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8. A perusal of the records reveals that the petitioner's father died due to HIV Positivity and his death is not attributable to Military Service as provided in Para 1 of Chapter VI of GMO 2022, Amendment 2008. In spite of the communication of the above to the petitioner holding that the petitioner is entitled to only Priority-VI Category and not Priority-III Category, the petitioner has not chosen to challenge the said finding. In the absence of any challenge to the said finding, which has been allowed to subsist, the present writ petition seeking the above relief cannot be permitted.

9. Accordingly, this Writ Petition is dismissed. There shall be no order as to costs. Connected miscellaneous petitions are closed.

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NCC: Yes / No  
Index : Yes / No  
Speaking Order : Yes / No  
ssb



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To

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Kilpauk,  
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- 4.The Selection Committee,  
Rep.by the Additional Director of Medical Education/Secretary,  
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- 5.The Tamil Nadu Medical Council,  
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**M.DHANDAPANI, J.**

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