



W.A.No.3091 of 2024

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.10.2024

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR
AND
THE HONOURABLE MR.JUSTICE P.B.BALAJI

W.A.No.3091 of 2024
and
C.M.P.No.23424 of 2024

Srinija.K.

...Appellant

Vs.

1.Union of India

Rep. by its Secretary to Government
(Revenue),
Government of Puducherry,
Chief Secretariat, Puducherry.

2.The Secretary to Government,

(Health),
Government of Puducherry,
Chief Secretariat, Puducherry.

3.The Convenor,

Centralised Admission Committee,
Directorate of Higher and Technical Education,
Government of Puducherry,
Puducherry.

...Respondents



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Prayer: Writ Appeal filed under Clause 15 of the Letters Patent, to set aside the order passed in W.P.No.30633 of 2024 dated 14.10.2024 and consequentially direct the 3rd respondent to permit the petitioner to participate in the said ongoing Counselling by considering the petitioner as Scheduled Caste Origin (Hindu Adi Dravida) in terms of the Caste Certificate issued by the Tahsildar, Taluk Office, Villianur, dated 26.09.2024.

For Appellant : Mr.S.Silambanan, Senior Counsel
for Mr.Stalin Abhimanyu
For Respondents : Mr.V.Vasantha Kumar,
Additional Government Pleader

J U D G M E N T

*(Judgment of the Court was delivered by **D.KRISHNAKUMAR, J.**)*

This writ appeal is filed by the appellant seeking to to set aside the order passed in W.P.No.30633 of 2024 dated 14.10.2024 and consequentially direct the 3rd respondent to permit the petitioner to participate in the said ongoing Counselling by considering the petitioner as Scheduled Caste Origin (Hindu Adi Dravida) in terms of the Caste Certificate issued by the Tahsildar, Taluk Office, Villianur, dated 26.09.2024.



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2. According to the appellant, she has secured 75% in Higher Secondary Examinations and 385 marks in NEET UG 2024 and she submitted her application under the Scheduled Caste - migrant category for admission to the course of MBBS for the academic year of 2024-25 based on the community certificate issued by the revenue authorities. According to her, since the 1st respondent Authorities delayed in giving the Scheduled Caste - Origin Community Certificate, she participated in the first round and second round of counselling as Scheduled Caste- Migrant, based on her earlier status, where she was automatically treated as a general candidate and allotted with a seat for BDS Course. Thereafter, on 26.09.2024 the petitioner was provided with Scheduled Caste Origin Certificate by the Tahsildar, Taluk Office, Villianur, based on her mother's origin as per order issued under 1964. Therefore, now the respondent cannot take a technical ground stating that she is not entitled to be considered for the MBBS seat under the Scheduled Caste Origin category.

3. The learned Senior Counsel appearing for the appellant would draw the attention of this Court to the Information Brochure for Admission to UG



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NEET – based Courses, wherein it states that claim exercised with regard to Community are subject to verification of the submitted documents and cannot be changed once the Final Merit List is published. However, CENTAC reserves the right to update the merit list in case of genuine claims supported by documentary evidence. According to the learned Senior Counsel appearing for the appellant, the writ Court has failed to consider the above clause 1.10 in the Brochure. Therefore, the writ Court without considering the said facts has dismissed the writ petition. Aggrieved by the same, the present writ appeal is filed.

4. The learned Additional Government Pleader for the respondent would submit that the appellant at the time of applying has not submitted the Scheduled Caste – origin certificate and her name was not considered under the said category for the admission to the MBBS course 2024-25.

5. Considering the issues involved in the present writ appeal we are to rely upon clause 1.10 in the Information Brochure for Admission to UG NEET – based Courses, which reads as follows:-



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1.10. MERIT LIST

The Merit List of the CENTAC applied candidates will be prepared based on the UG NEET 2024-ALL INDIA RANK for COUNSELLING. In case of UG NEET-2024 score, Cut-Off marks for the different categories fixed by the MCC/MOHFW will be considered.

On verification of the candidate's credentials, the Draft Merit List will be published. Adequate time will be given to raise objections and submit documents, if any, and subsequently, the Final Merit List will be published.

Claim exercised with regard to Residence/ Community/ Special Category are subject to verification of the submitted documents and cannot be changed once the FINAL Merit List is published. However, CENTAC reserves the right to update the merit list in case of genuine claims supported by documentary evidence.

Separate Merit List will be prepared for Government Quota Seats & Management Quota Seats. The candidates should refer to the CENTAC website www.centacpuducherry.in for the merit lists of all the courses.

In case, the ONLINE application is reopened for any course, then the Merit List will be updated with all the new



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applications received for the concerned course. This may alter the existing Merit List as well.

6. In the aforesaid Brochure it is clearly stated that the claim of community are subject to verification of the submitted documents and cannot be changed once the FINAL Merit List is published. However, the appellant has submitted the application under the Scheduled Caste - migrant category and is eligible for admission to the UG NEET based courses 2024-25 and she is a meritorious candidate, due to the delay of the Revenue Authorities in furnishing the Community Certificate dated 26.09.2024, she was not considered under the said category.

7. In the light of the above clause 1.10 in the Information Brochure, which clearly states that once final merit list is filed CENTAC reserves the right to update the merit list in case of genuine claims supported by documentary evidence. In the present case on hand the genuineness of the certificate at this point of time cannot be doubted by the Authority concerned, unless it has been verified by the authority concerned, that it is



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not genuine.

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8. In view of the said rider clause in the aforesaid Information Brochure the appellant is entitled for considering in the admission to UG NEET – based courses offered by the 3rd respondent. The 3rd respondent today publishing the merit list under the Scheduled Caste category for the 3rd round of counselling, and there is one seat available under the Scheduled Caste category.

9. Therefore, in the light of the submissions made by the parties we are of the view that the order of the writ Court is liable to be set aside and in the light of the aforesaid Information Brochure and production of the community certificate the appellant is entitled to seek admission in the MBBS course in third round of Counselling conducted by the 3rd respondent.

10. The 3rd respondent is directed to consider the appellant for selection to the aforesaid vacancy based on the aforesaid community certificate dated 26.09.2024. After verification, if the appellant satisfies all



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the eligibility criteria, she is entitled for the MBBS seat in the Academic Year 2024-25 to be conducted by the 3rd respondent in the 3rd round of counselling.

11. Accordingly, this writ appeal is **allowed** and the order made in W.P.No.30633 of 2024 dated 14.10.2024 is set aside. No costs. Consequently, connected Miscellenous petition is closed.

12. The learned Additional Government Pleader is directed to communicate the order of this Court to the 3rd respondent herein without awaiting for the order copy.

(D.K.K., J.) (P.B.B, J.)
19.10.2024

dsa
Index : Yes / No
Internet : Yes / No
Neutral Citation : Yes / No
Speaking order / Non-Speaking order

Note:-

Issue order copy by 21.10.2024.



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To:-

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- 1.The Secretary to Government,
Union of India (Revenue),
Government of Puducherry,
Chief Secretariat, Puducherry.
- 2.The Secretary to Government,
(Health),
Government of Puducherry,
Chief Secretariat, Puducherry.
- 3.The Convenor,
Centralised Admission Committee,
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P.B.BALAJI, J.

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