



W.P.(MD).No.10317 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.11.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

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V.Vaiyanavan

... Petitioner

Vs.

1.The State of Tamil Nadu,
Represented by its Principal Secretary,
Health and Family Welfare (MCA.1)
Department,
Secretariat, Fort St. George,
Chennai-600 009.

2.The State of Tamil Nadu,
Represented by its Principal
Secretary,
Higher Education (J2) Department,
Secretariat, Fort St. George,
Chennai-600 009.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondents to extend the benefit of 7.5 of seats on preferential basis to the seats under Government Quota in Higher Education to the petitioner's son namely V.Yogesh admitted in Government School in 8th Standard prior to issuance of the G.O.Ms.No.438, Health and Family Welfare (MCA-1) Department, dated 29.10.2020 and G.O.Ms.No.16, Higher Education (J2) Department, dated 31.08.2021 within the time stipulated by this Court.



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For Petitioner : Mr.S.Louis

For Respondents : Mr.T.Amjad Khan,
Government Advocate

ORDER

This writ petition has been filed to direct the respondents to extend the benefit of 7.5 of seats on preferential basis to the seats under Government Quota in Higher Education to the petitioner's son namely V.Yogesh admitted in Government School in 8th Standard prior to issuance of the G.O.Ms.No.438, Health and Family Welfare (MCA-1) Department, dated 29.10.2020 and G.O.Ms.No.16, Higher Education (J2) Department, dated 31.08.2021 within the time stipulated by this Court.

2. Heard the learned counsels on either sides and carefully perused the materials available on record.

3. The petitioner's son, namely, V.Yokesh was admitted at Roselind Chellaiah Government Higher Secondary School in 8th standard in the academic year 2020 – 2021 and had completed 10th standard in the year 2023 and his 2nd son, namely, V.Vaibhav was admitted at Panchayat Union Primary School, Reddiarpatti, in 4th standard during the academic year



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2020-2021 and is presently studying 6th standard at Roselind Chellaiah Government Higher Secondary School. The Government had issued G.O. 438, Health and Family Welfare (MCA-1) Department, dated 29.10.2020, providing 7.5% of reservation in seats on a preferential basis to the students who studied in State Government Schools in Tamil Nadu and have qualified NEET for getting admission to undergraduate courses from the academic year academic 2020 – 2021. Seeking the benefit of the said G.O. for his elder son, the petitioner had made a representation. However, the same is not considered. Hence, this writ petition came to be filed.

4. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon the respondent to consider the same on its own merits and pass appropriate orders in one way or other instead of keeping the same pending indefinitely. As such, non-consideration of the representation made by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking the extraordinary powers under Article 226 of the Constitution of India.



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5. Without going into the merits of this case, this Court hereby direct the respondents to consider the representation made by the petitioner and pass appropriate orders in accordance with law within a period of four (4) weeks from the date of receipt of a copy of this order.

6. Accordingly, this writ petition stands disposed of. No costs.

22.11.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
Sml

To

1.The State of Tamil Nadu,
Represented by its Principal Secretary,
Health and Family Welfare (MCA.1)
Department,
Secretariat, Fort St. George,
Chennai-600 009.

2.The State of Tamil Nadu,
Represented by its Principal
Secretary,
Higher Education (J2) Department,
Secretariat, Fort St. George,
Chennai-600 009.



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L.VICTORIA GOWRI, J.

Sml

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