



W.P(MD).No.18811 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 05.08.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P(MD).No.18811 of 2024

A.K.Sri Bharathi
D/o.M.Ashok Kannan
rep., by her father/Guardian

... Petitioner

Vs.,

1.The Principal Secretary to Government of
Tamil Nadu,
Health and Family Welfare Department,
Secretariat, Chennai.

2.The Director of Medical Education,
O/o.Director of Medical Education,
162, Periyar E.V.R.High Road,
Kilpauk, Chennai 600 010.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the second respondent to permit the petitioner to participate in the counselling for the UG Medical Course under the 7.5% quota allotted to Government School students based on the petitioner's representation dated 24.07.2024.

For Petitioner : Mr.M.Ashok Kannan
For Respondents : Mr.T.Amjad Khan (for R1)
Government Advocate
M/s.M.Sneha (for R2)



W.P(MD).No.18811 of 2024

ORDER

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This petition has been filed to direct the second respondent to permit the petitioner to participate in the counselling for the UG Medical Course under the 7.5% quota allotted to Government School students based on the petitioner's representation dated 24.07.2024.

2. Heard Mr.M.Ashok Kannan, learned counsel appearing on behalf of the petitioner, Mr.T.Amjad Khan, learned Government Advocate, who takes notice on behalf of the first respondent and M/s.M.Sneha, learned counsel, who takes notice for the second respondent.

3. By consent of both sides, the writ petition is taken up for final disposal at the admission stage itself.

4. The case of the petitioner is that he has studied from II to XII standard in Kendriya Vidyalaya at Tiruparankundram, Madurai and obtained 472/500 in XII standard examination conducted by CBSE 2024. Kendriya Vidyalaya is a Society registered under the Societies Registration Act, 1860 and is fully financed by the Ministry of Education, GOI. The children of serving Military persons, retired staffs of military Central Government employees, Public Sector employees and State Government



W.P(MD).No.18811 of 2024

employees are entitled to study in the School. Similarly, 25% seats are reserved for Tamil Nadu Government Staff category. Besides, RTE Act also applicable to this Educational Institution.

5. The petitioner's mother is working as a PG Teacher in Government Higher Secondary School, P.Ammapatti School, Madurai District. The petitioner has secured 552 out of 720 marks in National Eligibility cum Entrance Test (UG). The Tamil Nadu Government has reserved 7.5% seats in Medical Colleges in Tamil Nadu to the students studied in Government Schools in Tamil Nadu. Since the petitioner studied in Kendriya Vidyalaya School, which was run by Central Government, he also comes within the purview of the G.O.Ms.No.438, dated 29.10.2020, Health and Family Welfare (MCA.1) Department. In this regard, he sent representation to the respondent on 24.07.2024, but the same was not yet considered. Hence, he seeks direction.

6. The learned Government Advocate, who takes notice for the first respondent, would submit that admittedly, 25% seats are reserved for the Tamil Nadu Government Staff category. Though the petitioner studied in Kendriya Vidyalaya, she should not be held that she has studied in a Government School for the purpose of claiming right as per the reservation of 7.5% as per G.O.438, dated 29.10.2020.



W.P(MD).No.18811 of 2024

WEB COPY

7. The learned counsel, who takes notice for second respondent, would submit that the Kendriya Vidyalaya will not come under the definition of the Government School as per the Government Order. It is also brought to the notice of this Court that the definition clause is set out in the Government Order. Hence, she opposed the writ petition.

8. I have perused the materials available on record.

9. The main contention of the petitioner is that since the petitioner studied in the Kendriya Vidyalaya School, she should also be provided with certain reservation. Further the petitioner's mother is working as a Teacher in a Government School and she is also also eligible under the Government Order. The definition for 'Government School' given in the said Government Order reads as follows:

“(ii)The “Government Schools” mean and includes Panchayat Union Primary and Middle School, Adi-Dravidar Welfare Schools, Municipal/Corporation/Tribal Welfare Schools, Kallar reclamation BC/MBC/Differently-Abled Welfare/ Forest / Social Defence (Borstal Schools) Department Schools and Residential-Access Schools. Further, children belonging to weaker section and disadvantaged group who have studied up to eighth standard in a specified category school or an unaided school, as per clause (c) of sub-section (1) of Section 12 of the Right of Children to Free and



W.P(MD).No.18811 of 2024

WEB COPY

Compulsory Education Act, 2009 and studied all remaining standards up to Higher Secondary course in the Government School shall be deemed to be 'Students studied in Government Schools'."

10. The above definition, makes it very clear that Kendriya Vidyalaya is not come under the Government School. That apart the petitioner's mother is also PG teacher, therefore, when the Government policy is restricted only to the School runs in the Tamil Nadu as stated above, the petitioner's representation cannot be considered. Accordingly, the Writ Petition stands dismissed. No costs.

05.08.2024

NCC : Yes/No
Index : Yes/No
Rmk

To
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Health and Family Welfare Department,
Secretariat, Chennai.

2.The Director of Medical Education,
O/o.Director of Medical Education,
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W.P(MD).No.18811 of 2024

N.SATHISH KUMAR, J.

Rmk

W.P(MD).No.18811 of 2024

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