

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

DATED: 16-12-2025

CORAM

THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.25384 of 2024

&

W.M.P.No.27745 of 2024, W.M.P.No.27750 of 2024

Malarvizhi.S

D/o.Subramanian,

No. 3/352, East Arunthathiyar Street,

Palaiyapalayam, Sarkarpalayam,

Namakkal District -637 405.

... Petitioner

Vs.

1. The Govt of Tamil Nadu,

Rep. By Secretary To Government,

Personnel And Administrative Reforms Department,

Secretariat, Fort St. George,

Chennai -600 009.

2.The Govt of Tamil Nadu,

Rep. By Secretary To Government,

Health And Family Welfare Department,

Secretariat, Fort St.George,

Chennai -600 009.

3.The Secretary,

Selection Committee,

Directorate Of Medical Education And Research,

No.162, Periyar E.V.R.High Road,

Kilpauk, Chennai -600 010.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue Writ of Declaration, declaring that the provisional list of candidates allotted M.B.B.S./B.D.S. Course under the 7.5 reservation government quota for the year 2024-2025 is illegal and contrary to the policy of reservation and against the Counselling procedure provided under Clause 18(6) of the prospectus issued



by 3rd respondent for the year 2024-2025 which enables the Aruththaiyars to compete in open category as well as scheduled caste Category on inter-se merit basis and to allot a M.B.B.S. seat to the petitioner in any of the Govt. Seat for M.B.B.S. Admission for the year 2024-2025.

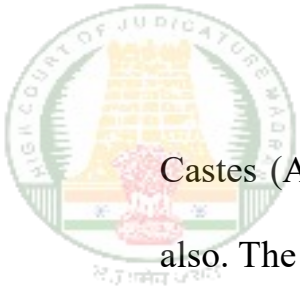
For Petitioner: Mr.NGR.Prasad,
for L.Parvinbanu

For Respondents: Mr.E.Sundaram,
Govt. Advocate, for R1 And R2
Mrs.Sneha, Standing Counsel,
For R3

ORDER

Writ Petition is filed for declaration, declaring that the provisional list of candidates allotted to M.B.B.S/BDS course under the 7.5% reservation government quota for the year 2024-2025 is illegal and contrary to the policy of reservation against the counselling procedure provided under Clause 8(6) of the prospectus issued by the 3rd respondent for the year 2024-2025 which enables the Arunthathiyars to compete in open category as well as the Scheduled Castes category on inter-se merit basis and to allot M.B.B.S., seat to the petitioner in any of the Government seat for the M.B.B.S., admission for the year 2024-2025 and to pass such further orders.

2. The case of the petitioner is that she is a student undergone her school education in the Government School and as such is eligible for the reservation of 7.5% for the Government school students. She also belongs to Scheduled



Castes (Arunthathiyar) and as such she is entitled for reservation on that basis also. The 3rd respondent Selection Committee implements the rule of reservation even among the 7.5% quota meant for the Government College students. The petitioner had scored 455 marks in the N.E.E.T out of 720 marks. The petitioner had duly applied and had choice locked under the quota of SC (Arunthathiyar) also. While so, by the call of her turn, the petitioner was allotted a seat under the management quota and she joined the M.B.B.S course in Karpaga Vinayaga Institute of Medical Sciences and Research, Maduranthagam. As a matter of fact, the Scheduled castes candidates, who have score even lesser marks were called for counselling and were allotted seats in the Private Medical College but under the Government quota. The list of such students is produced along with the writ petition, the candidates starting from Serial No.22 onwards namely, Sriram.C and R.Sharma, who have got 452 marks each and M.Rishi, who has got 450 marks were all allotted seats in the Government Quota in Private Medical Colleges whereas, the petitioner was not allotted one.

3. Heard Mr.NGR Prasad, Learned Senior Counsel appearing on behalf of the petitioner. The Learned Counsel would submit that the entire mistake seems to have occurred because of the respondents considering the petitioner only under the SC(A), a sub-quota and not in the Scheduled Castes (General) quota. In this regard, the Learned Counsel would draw the attention of this Court to the



Act titled: Tamil Nadu Arunthathiyar (Special Reservation of Seats in Educational Institutions including Private Educational Institutions and of appointments or posts in the services under the State within the Reservation for the Scheduled Castes), Act 2009. The act provides for preferential treatment to the Arunthathiyars within the Scheduled Castes quota.

4. As a matter of fact, rules have been framed by the State of Tamil Nadu in which the manner in which the preference should be given is specified. Rule 3 provides for the specific turns in the 100 point rotation of seats to be given only to Scheduled Castes (Arunthathiyar). The position was further made clear in G.O.Ms.No.55, dated 08.04.2010, the Government Order states that in the case of non-availability of candidates, both SC and SC(A) can be considered vice versa in the respective seats earmarked for them. If any candidate belonging to Scheduled Castes (Arunthathiyar), does not get a seat within the quota earmarked for Arunthathiyar but however still seats are left in the Scheduled Caste quota then after exhausting the Arunthathiyar quota, the candidate must also be considered in the Scheduled Caste quota.

5. The Learned Counsel for the petitioner would point out the prospectus that is issued by the respondents which categorically reflects the position. Under the said circumstances, when a total number of 18 seats were reserved for



SC(A) quota and when the petitioner's rank was only 21 in the SC(A), after exhausting the said seats, the petitioner ought to have been considered in the Scheduled Caste quota generally along with the other Scheduled Caste candidates which seems to have been not done on account of which the petitioner even though is more meritorious did not get a seat in the Government Quota in the Private Medical Colleges. The Learned Counsel would submit that though the prayer was made to declare the entire list itself is illegal, now the Court can pass appropriate orders with reference to the fees alone since the candidate has otherwise admitted into the M.B.B.S/BDS course and is undergoing the course in the private college.

6. Per contra, Mrs.M.Sneha, Learned Standing Counsel appearing on behalf of the respondents by pointing out to the counter-affidavit that is filed, would submit that in the 7.5% quota meant for the Government School students in the Government Quota in the self-financing Colleges, ESI colleges and Private Universities, there are totally 622 seats, as per the reservations. The following seats were earmarked for the respective category of students.



OC	193
BC	165
MBC	125
BCM	22 (3.5 % from BC)
SC	94
SCA	18 (16% from 18%)
ST	5

7. As a matter of fact, the total number of seats is considered by putting the M.B.B.S and BDS together as per the prospectus and therefore, the division between M.B.B.S and BDS are as follows:

M.B.B.S

Govt Colleges	319
SF Colleges	148
ESI	7
Pvt University	22

B.D.S

Govt Colleges	16
SF Colleges	110

Out of the 319 MBBS seats in Government colleges 48 seats are allotted to SC and 9 seats allotted to SCA.

Out of the 148 MBBS governments seats in SF colleges 23 seats are allotted to SC and 4 seats are allotted to SCA.



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Out of 7 MBBS seats in ESI one seat allotted to SC.
Out of 22 MBBS seats in Private Universities 3 seats allotted to SC and one seat allotted to SCA.

Out of the 16 BDS seats in Government colleges 2 seats are allotted to SC and one seat allotted to SCA.

Out of the 110 BDS Government seats in SF colleges 17 seats allotted to SC and 3 seats allotted to SCA.

Therefore, out of the 622 MBBS/BDS seats in the state of Tamil Nadu 496 seats are MBBS seats and 126 seats are BDS seats.

Out of which 18 seats are allotted to SCA - 14 MBBS seats and 4 BDS seats.

8. Thus, it can be seen that only 14 M.B.B.S seats out of the 18 seats available for SC(A) and 4 were B.D.S seats. The petitioner's communal ranking in SC(A) quota was only 21. During the process in which the respective reservation is carried on and the counselling is done on the date on which the said persons namely, C.Sriram, R.Sharma and M.Rishi were allotted seats, the counselling for B.D.S was not over and the four 4 seats for SC(A) were remaining vacant. Therefore, as per the prospectus and also as per G.O.M.S.No.55 if only the seats earmarked for SC(A) quota have already been filled up thereafter the right of the candidates who did not get their chance arise to be considered under the General Scheduled Castes quota. Thus, the petitioner did not get a chance and therefore no illegality or irregularity



whatsoever is there in the procedure that is adopted by the respondents.

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9. The learned counsel would submit that if the argument on behalf of the petitioner is to be accepted then it would become practically impossible to implement these quotas. If both SC(A) candidates and the SC candidates are kept in the same list, it is the SC(A) candidates who will be put into greater disadvantageous position. Therefore, for this one circumstance, the entire procedure cannot be declared as incorrect or illegal. This will be even worse if it is to be implemented in the Post Graduate admission. It will become an impossibility thereafter. Therefore, the Learned Counsel would submit that the contention of the petitioner should be rejected as there is no illegality that is committed by the respondents.

10. I have considered the rival submissions that are made and perused the material records of the case.

11. It is essential to extract Section 3 of the Act which provides for Reservation of 16% of the seats reserved for Schedule Castes candidates to be offered to Arunthathiyars which reads as follows:-



“3. Reservation of Seats in Educational Institutions including Private Educational Institutions.-

Notwithstanding anything contained in the 1994 Act or the 2006 Act or in any other law for the time being in force or in any judgment, decree or order of any court or other authority, having regard to the social and educational backwardness of Arunthathiyars included in the Scheduled Castes, sixteen per cent of seats reserved for the Scheduled Castes shall be offered to Arunthathiyars, if available, in respect of annual permitted strength in each branch or faculty for admission into educational institutions including private educational institutions, on preferential basis amongst Scheduled Castes, in such manner, as may be prescribed.”

12. Section 5 specifically saves the right to compete for the non-preferential seats and course and the same is extracted hereunder:

“5. Right to compete for non-preferential seats, appointments or posts not to be affected.-

Notwithstanding anything contained in the 1994 Act or the 2006 Act or in any other law for the time being in force or in any judgment, decree or order of any court or other authority, having regard to the social and educational backwardness of Arunthathiyars, where more number of qualified Arunthathiyars are available, even after filling up of the required percentage of reservation for Arunthathiyars on preferential basis, such excess number of candidates of Arunthathiyars shall be entitled to



compete with Scheduled Castes other than Arunthathiyars in the inter-se merit among them in the case of appointments or posts in the services under the State or admission into educational institutions including private educational institutions.” (Emphasis supplied)

13. Therefore, the basic law that provides for reservation is very clear that among the seats that is earmarked for Scheduled Castes candidates with particular percentage, namely 16 percentage should be preferentially offered to the SC Arunthathiyars and merely because the person applies as SC Arunthathiyars and seeks to compete in the quota within the quota their right to compete for the non preferential seats that is for the entire seats meant for the Scheduled Castes quota will not go and they can also compete in the Scheduled Castes category. The Rules were framed by the State of Tamil Nadu under the said Act and the manner in which the preferential quota to be implemented is contained in Rule 3 which is extracted hereunder:

“3. Reservation of seats for Arunthathiyars.- In the sixteen per cent of seats offered to Arunthathiyars within the seats reserved for Scheduled Castes for admission in Educational Institutions including Private Educational Institutions and of appointments or posts in the services under the State, the first seat shall be offered to Arunthathiyars as illustrated below:-



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ILLUSTRATION

Out of 100 seats, 18 seats are reserved for Scheduled Castes in the following rotation :-

2	32	66
6	36	72
12	42	76
16	52	82
22	56	86
26	62	92

The seats to Arunthathiyars shall be offered in the rotation 2, 32 and 66.

14. Thus, it can be seen that as per the rotation particular the seats falling under particular number is earmarked for SC (Arunthathiyars) category. Since thereafter some confusion arose with reference to the implementation of the quota, the Government also issued G.O.Ms.No.55 (Personnel and Administrative Reforms Department), dated 08.04.2010 and it is essential to extract paragraph No.3, which reads as follows:

“3. In the Government Order ninth read above. Government have issued orders to the effect that Sixteen-percent of the appointments or posts reserved for Scheduled Caste shall be offered to Arunthathiyars on preferential basis within the reservation for



Scheduled Castes. Further, it has been directed therein that even after filling up of the required appointments or posts reserved for Arunthathiyars on preferential basis, if more number of qualified Arunthathiyars are available such excess number of candidates of Arunthathiyars shall be entitled to compete with the Scheduled Castes other than Arunthathiyars in the inter-se merit among them and if any appointments or posts reserved for Arunthathiyars remain unfilled for want of adequate number of qualified candidates, it shall be filled up by Scheduled Castes other than Arunthathiyars.” (Emphasis supplied)

15. Thus, Government Order clarifies clearly the position as contained in the Act that if any, SC (Arunthathiyars) is left out, after exhausting the Arunthathiyars, sub-quota, he will also be contesting in the other SC quota as per his turn on merits. This being the legal position, the same is also duly reflected in the prospectus that is issued by the respondents for the admission to M.B.B.S/B.D.S category. The relevant Clause 6 is extracted hereunder for ready reference.

“6. Notwithstanding anything contained in section 3, where adequate number of students studied in Government schools are not available for admission to the seats set apart on preferential basis, such unfilled seats shall be filled up with the students who studied in private schools.



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(i) The selection will be made based on NEET - UG 2024 score and by Single Window counselling following the rule of reservation by the Government of Tamil Nadu as follows: -

<i>Open Competition</i>	<i>31%</i>
<i>Back ward Class</i>	<i>30%</i>
<i>Most Backward Class</i>	<i>20%</i>
<i>Scheduled Caste</i>	<i>18%</i>
<i>Scheduled Tribe</i>	<i>01%</i>

1. Within the 30% reservation for Backward Classes, 3.5% will be provided for Muslims.

2. 16% of seats out of the 18% quota earmarked to Scheduled Caste shall be allocated to the Arunthathiyar Community as per Tamil Nadu Act No.4 of 2009 dated 12.03.2009.

3. Reservation applicable at the time of counselling will be followed.

BC, BCM, MBC / DNC, SC, SCA, and ST candidates are eligible for selection under Open Competition as per rank in addition to the reservation made for those categories.

a) Any remaining unfilled seats for want of adequate number of eligible candidates belonging to SCA community shall be filled by candidates belonging to SC community other than Arunthathiyar as per merit and vice



b) Any remaining reserved seats in ST Quota for want of adequate number of eligible candidates belonging to ST community shall be allotted to candidates belonging to SC Community as per merit. (GO (Ms) No.77 Health & Family Welfare (MCA1) Department Dated 24.02.2011).

c) Any remaining unfilled seats in BCM Community for want of adequate number of eligible candidates after exhausting the merit list shall be filled up on merit basis by candidates belonging to BC community without exceeding the quota for BC community as a whole (G.O.Ms.No.30, H&FW (MCA1) dept. Dated 18.01.2012)

d) Even after filling up of the required seats reserved for Arunthathiyars on preferential basis, if more number of qualified Arunthathiyars are available, such excess number of candidates of Arunthathiyars shall be entitled to compete with the Scheduled Castes other than Arunthathiyars in the inter-se merit among them (As per G.O.Ms.No.65,P&AR(K) Department, Dated:27.07.2009.

(Emphasis supplied)

16. Thus, Clause (d) also clearly states that even after filling up the required seats reserved for *Arunthathiyars* on preferential basis, if more number of qualified *Arunthathiyars* are available, such excess number of candidates of *Arunthathiyar* shall be entitled to compete with the Scheduled Castes other than



Arunthathiyar in the inter-se merit among them. Therefore, on clear reading of the Act, Rules and the prospectus, the non-consideration of the petitioner for the Scheduled Caste quota (General) is illegal.

17. In the instant case, as rightly contended by the Learned Counsel appearing on behalf of the respondents, when 14 seats in the M.B.B.S course was earmarked for SC (Arunthathiyars) and even the petitioner was ranking 21 that is more number of SC (Arunthathiyars) candidates being available then after exhaustion of the preferential quota of the last of the 14 candidates, the remaining SC (Arunthathiyars) candidates should have been considered under the Scheduled Castes (General) which remains unfilled after the 14 candidates of SC(A) candidates being accommodated. That is not being done, I find force in the case of the petitioner that even though she comes within the Government quota seats in the Private Medical College, she has wrongly been denied the seat.

18. The further argument that is made on behalf of the Learned Counsel for the respondent is that when the respondents have taken M.B.B.S and BDS together as one unit for the purpose of admission and for reservation, then out of 18 seats that are to be allotted to SC(A), 14 seats come within the M.B.B.S course and 4 seats come within the B.D.S course, then as on date when the said



Scheduled Castes candidates who are having lesser number of marks namely, C.Sriram, R.Sharma and M.Rishi, who are accommodated in the Government Quota in the M.B.B.S course, the four seats in B.D.S remain unfilled and as per the prospectus and the clarifications, since if only the seats are filled in entirety, thereafter only the right of the petitioner to consider in the SC (General) quota arises.

19. I am unable to accept the contention of the Learned Counsel for two reasons:

(i) Firstly any clarification or prospectus cannot be directly in derogation of the rights conferred under the Act. The Act categorically reserves the particular preferential quota and expressly declares the right to compete in the rest of the Scheduled Caste seats also. Therefore, the said contention cannot be accepted.

(ii) Secondly, even for the administrative convenience, the course of M.B.B.S and B.D.S are to be considered together, still both the courses cannot be said to be equal. Merely because seats in B.D.S is still vacant, for the purpose of implementing the clarification in G.O.Ms.No.55 and also Clause (d) of the prospectus above, the seats in B.D.S ought not to have been taken into account by the respondents and therefore, the argument is rejected.



(iii) Finally, even assuming that the procedure that is adopted by the respondents is right, now the law is very well settled that the reservation or the positive discrimination/affirmative action is not an exception or a bounty that is conferred on the concerned student but is a valuable constitutional right ensuring equality and merit. ***Neil Aurelio Nunes (OBC Reservation) and others vs. Union of India***¹ In that background, in the end of the exercise, by considering under the preferential quota actually results in prejudice to a Scheduled Castes Arunthathiyars candidate, then at least at that time the respondents ought to apply their mind and rectified the mistake. It is now well settled that both horizontal and vertical reservation are not 'slots'. Candidates cannot be compartmentalizing. They will be entitled to contest both in the General and the SC quota. Useful reference in his regard can be made to the judgment of the Hon'ble Supreme Court of India in ***Ramnaresh alias Rinku Kushwah and Others vs. State of Madhya Pradesh and Others***².

20. For all the above reasons, there is merit in the claim of the petitioner. At this distant point of time, when the admissions are over, the list need not be disturbed nor any redoing the exercise is possible. However, there is an alternative solution that fits to the fact situation of this case. The petitioner wants only in M.B.B.S seat in Government Quota in a Private Medical College.

¹ (2022) 4 SCC 1

² 2024 SCC Online SC 2058



Already she is undergoing the M.B.B.S seat in a Private Medical College however, in the management quota. The only difficulty is the difference in fees between the Government Quota and the Management Quota. In the prospectus, with reference to the College in question namely, Karpaga Vinayaga Institute of Medical Science and Research, Maduranthagam, the fees in respect of the Government quota is mentioned therein as Rs.4,35,000/-. But however, the petitioner will be paying more with reference to the Management Quota. Excepting the fees that is payable as the Government allotted students, the difference in payment shall be made good by the respondents and reimbursed to the student in respect of the amounts already paid and for the ensuing years, the difference can be paid to the College directly.

21. In view thereof, this Writ Petition is disposed of on the following terms:

(i) The non-selection of the petitioner for the M.B.B.S course in the Government Quota with reference to the Private Medical Colleges and selecting lesser meritorious students named above in the Scheduled Castes quota is declared as illegal.

(ii) The petitioner shall continue the education under the management quota, however with reference to the fees, for every year, the petitioner shall pay the fees that is meant to be paid by a students allotted under the Government



Quota that is Rs.4,35,000/- and the rest of the fees that is to be payable to the College shall be paid by the respondents 1 to 3 herein;

(iii) For the past, if the students has already paid, the relevant bills shall be produced and the respondents shall reimburse the student the difference in fees;

(iv) From the coming year onwards, the difference in fees shall be credited directly to the Institution;

(v) This order will also not preclude the student from availing such scholarship or the benefit that is meant for Scheduled Castes (Arunthathiyar) students with reference to the payment of a sum of Rs.4,35,000/- also.

(vi) There shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed. Consequently, connected Miscellaneous Petitions are closed.

16-12-2025

Neutral Citation: Yes.

bsm

To,

1. The Secretary To Government,
The Govt. Of Tamil Nadu,
Personnel And Administrative Reforms(s) Department,
Secretariat, Fort St. George, Chennai -600 009.

2. The Secretary To Government,
The Govt. Of Tamil Nadu,



Health And Family Welfare Department, Secretariat,
Fort St. George, Chennai -600 099.

3. The Secretary,
Selection Committee,
Directorate Of Medical Education And Research,
No.162, Periyar E.V.R.High Road, Kilpauk,
Chennai -600 010.

4. The Government Pleader, High Court, Madras.



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D.BHARATHA CHAKRAVARTHY, J.
bsm

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16-12-2025