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W.P. No.8964 of 2022 and
WMP.No.8791 of 2022

DR. ANITA SUMANTH, J.,

Mr.D.Ravichander, learned Special Government Pleader accepts notice for respondents and seeks some time to obtain instructions and file counter.

2.A unique arises in this matter. The petitioner is aged 63 years and is an aspirant for a seat in the Medical College. He has performed well in the NEET, securing 348 marks. He seeks the benefit of the 7.5% Government quota in terms of Act 34 of 2020.

3. The definition of a student who has studied in a Government School is as per Section 2(d), that states as follows:-

'.....

(d) "Students studied in Government schools" mean children who have studied from Sixth Standard to Higher Secondary Course in a Government school and qualified in the National Eligibility-cum-Entrance Test.'

4.Thus, all that is required for eligibility to be fixed is, his education from the Sixth Standard to Higher Secondary course in a Government School and qualification in NEET. Admittedly, he qualifies the second limb.

5.As far as the the first is concerned, the petitioner has studied up to the 10th standard in a Government School, completing the 10th standard in 1976. Thereafter,



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he studied SSLC of one year (which is all the course provided for then) completing it in 1977.

6.He thereafter did his PUC in Vivekananda College, completing it in 1978. He qualified in Botany completing his M.Phil. from the University of Madras in 1984, his B.Ed. from the Madurai Kamarajar University and M.Ed. from the Annamalai University.

7.He joined the police services on 27.09.1987, but opted to serve as a teacher thereafter. He retired as a Headmaster in the Government Higher Secondary School, Velachery on 31.05.2017.

8.Act 34 requires study from the Sixth Standard to Higher Secondary course in a Government school. The difficulty arises in so far as there is no equivalent of Higher Secondary course in the era when the petitioner did his schooling and what was available then was only an SSLC of one year.

9.Be that as it may, the petitioner has completed eleven years of study, which is the maximum possible at that time in a Government School and thus, I believe that he qualifies in letter and spirit for the benefit under Act 34, prima facie.

10.The name of the petitioner did not figure in the first list and a representation was made by him, which found favour of the respondents. An errata



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was released to the provisional rank list on 26.01.2022, wherein the name of the petitioner, Shri.S.Munusamy, figures at Serial No.1.

11.The very next day the authorities appear to have had a change of heart and issued a second errata removing his name from the list. The petitioner has however not delayed approaching the Court since he filed a writ petition even on 25.01.2022 seeking a mandamus for consideration of his candidature.

12.WP.No.1433 of 2022 was disposed on 31.01.2022 directing the authorities to consider and dispose his representation. Such consideration has led to the passing of the impugned order on 19.03.2022 rejecting his request on the ground that the petitioner has not studied from the Sixth Standard to XII Standard in a Government School.

13.This writ petition has been filed on 01.04.2022 and thus there is no delay attributable to the petitioner in approaching this Court. The fact that the admission process has been completed as of now, should thus not stand in this way, since a prima facie case is made out by this petitioner. Let R3 examine the feasibility of allotting a seat in a Government College and take necessary steps in this regard by the next date of hearing.



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14.List on 29.04.2022. Counter by then with an advance copy served upon the
petitioner.

12.04.2022

vs/ska

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