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**(2011) 06 MAD CK 0391**

**Madras High Court**

**Case No:** Writ Petition No. 9545 of 2011 and M.P. No"s. 1 and 2 of 2011

Dr. T. Kavitha

APPELLANT

Vs

The Government of Tamil Nadu

RESPONDENT

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**Date of Decision:** June 21, 2011

**Hon'ble Judges:** P. Jyothimani, J

**Bench:** Single Bench

**Advocate:** G. Arul Murugan, for the Appellant; P. Sanjay Gandhi, AGP, for the Respondent

**Final Decision:** Dismissed

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### **Judgement**

@JUDGMENTTAG-ORDER

P. Jyothimani, J.

The writ petition has been filed seeking a direction to the Respondents to call the Petitioner for counselling and allot the MDS (Orthodontics) course in the SC service category for the academic year 2011-2012.

2. The writ Petitioner who has completed BDS course in the year 2004 is working as an Assistant Surgeon (Dental) in the Government Hospital, Omalur, Salem District. She has applied for admission to MDS course for the academic year 2011-2012. Totally 18 seats were notified in MDS course under State Quota. Out of which, 13 seats were allotted to the non service open category candidates and the remaining 5 seats were allotted to the service candidates.

3. As per the roster system, in respect of the 5 seats allotted to service candidates, one seat shall go to SC candidate. The Petitioner belong to the Scheduled Caste Arunthathiyar Community and she has been placed to Serial No. 220 of the general ranking and at Serial No. 22 of the service ranking in the merit list published for the MDS course 2011-2012 session. She also placed at No. 2 in the SC service category. It is stated that No. 1 in the SC service category has been called for counselling and selected for MDS (Orthodontics) course in the open category. Therefore, one seat reserved for SC candidate is still remaining vacant and hence, the Petitioner who is

placed at Serial No. 2 in the SC service category is entitled to be considered. Therefore, the Petitioner has filed the present writ petition for a direction against the second Respondent to call the Petitioner for counselling and allot the MDS (Orthodontics) course in the SC service category for the academic year 2011-2012.

4. Mr. P. Sanjay Gandhi, learned Additional Government Pleader, appearing for the Respondents on instruction, has submitted while admitting the facts mentioned in the affidavit filed by the Petitioner that she belongs to SC Arunthathiyar Community by referring to G.O.65 of P & AR (K) Department, Government of Tamil Nadu dated 27.05.2009, which states "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". It is also specifically stated in the written instruction given by the learned Additional Government Pleader that by virtue of merit Dr. T. Kavitha, a service SC (Arunthathiyar) candidate, is of higher merit than the next service SC candidate and the Selection Committee has no objection to allot her the vacant service SC seat in MDS Orthodontics for 2011-2012 session.

5. In view of the said submissions made by the learned Additional Government Pleader, the writ petition is allowed with a direction to the second Respondent to call the Petitioner for counselling and allot MDS (Orthodontics) course in the SC service category for the academic year 2011-2012. No costs. Consequently, connected miscellaneous petitions are closed.