

W.A.(MD) No.1046 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

| Date of Reserving the Judgment | Date of Pronouncing the Judgment |
|--------------------------------|----------------------------------|
| 14.11.2024 | 29.01.2025 |

CORAM:

THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN
and
THE HONOURABLE MR.JUSTICE N.SENTHILKUMAR

W.A.(MD) No.1046 of 2022

Sa.Sivasooryaa

... Appellant

-vs-

1.Union of India
rep.by the Chief Secretary
to Government of India
New Delhi

2.The Secretary to
Government of India
Ministry of Health & Family Welfare
Nirman Bhavan
New Delhi

3.The Secretary to
Government of India
Ministry of Women and
Child Development
Shastri Bhawan
New Delhi

... Respondents

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Writ Appeal filed under Clause 15 of Letters Patent to set aside the order, dated 25.08.2022, passed in W.P.(MD) No.12120 of 2022, on the file of this Court.

For Appellant : Mr.G.S.Vivekanandan

For Respondents : Mr.AR.L.Sundaresan
Assistant Solicitor General of India
assisted by Mr.S.Jeyasingh

J U D G M E N T

RMT.TEEKAA RAMAN, J.

The writ petitioner is the appellant herein.

2. For the sake of convenience, the parties are referred to as per the ranking in the writ petition.

3. The writ petitioner filed the above writ petition for a mandamus directing the third respondent to nominate and recommend his name to the second respondent for admission in MBBS course during the academic year 2021-2022 against one of the two vacancies allocated from the Central Pool by



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the second respondent to the third respondent for the academic year 2021-2022 for the awardees of the National Child Award for exceptional achievement in the field of innovation.

4. According to the writ petitioner, he is emerged as an Young Scientist from the rural background. He has significantly made achievements in both the academic and technical and has also cleared NEET Examination in the year 2021. He has won the Pradhan Mantri Rashtriya Bal Puraskar. Hence, he was under the impression and fond hope to get selected under the Central Pool for Ministry of Human Resource Development / Ministry of Women and Child Development. As it had failed, he filed the present writ petition.

5. Before the learned Single Judge, the respondents entered appearance through the learned Assistant Solicitor General of India and filed a typed set of papers, which disclosed as follows:

“Under the aforesaid Pool, originally, two seats (MBBS/BDS) had been allocated. Unfortunately, the Ministry of Women and Child Development had expressed its inability to identify the beneficiaries for seat allocation. This was in October 2021. It is reflected in O.M No.



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27/1/2017-CW-1-Part (1) dated 22.10.2021 issued by the said Ministry. As a result, the awardees of Pradhan Mantri Rashtriya Bal Puraskar ceased to enjoy the benefit. The Ministry of Health and Family Welfare, Government of India persisted with the Ministry of Women and Child Development. But eventually accepted the surrender of seats and made appropriate allocations on 23.03.2022.”

6. On the above said circumstances, the learned Single Judge has come to the conclusion that since surrender of seats has already been made, it is not possible for the Court to grant any relief to the writ petitioner for the concerned current academic year and has also observed that such surrender of seats reserved for the children, who had shown exceptional achievement in science field, appears to be without any rationale and accordingly, directed the third respondent to sponsor the eligible candidates under the Central Pool for MBBS / BDS courses from the ensuing academic year and disposed of the writ petition accordingly.

7. Aggrieved by the non-grant of the relief by the learned Single Judge, the writ petitioner has preferred this writ appeal.



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8. On Court notice, Mr.AR.L.Sundaresan, learned Assistant Solicitor General of India, appeared for the respondents and submitted that the Scheme, which provides for two seats reservation for the awardees of the National Child Award for exceptional achievements in the field of innovation, has been dropped from the academic year 2022 – 2023. Now, the reservation of two seats for such awardees has also been dispensed with and dropped.

9. In view of the above submission, we are of the view that the same being a policy decision of the Government, this Court cannot interfere with the same and hence, we express our inability to grant the relief sought for the writ petitioner.

10. However, before parting with this Judgment, it is to be noted that we are unable to accept the stand of the third respondent before the learned Single Judge that they did not have any expertise to identify the beneficiaries.



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11. We are unable to accept the said stand for the simple reason that the yardstick that is fixed is crystal clear. If a candidate won the Pradhan Mantri Rashtriya Bal Puraskar, he / she is obviously eligible. The writ petitioner has won the said award in the year 2016. Since it was reported that the said Scheme has been discontinued, we called upon the learned Assistant Solicitor General of India to get instructions as to the reason for dropping such reservation of two seats for the awardees of Pradhan Mantri Rashtriya Bal Puraskar.

12. It is seen that before the learned Single Judge, the third respondent has filed his counter affidavit, wherein in Paragraph No.8, it has been stated as follows:

“8. It is humbly submitted that MWCD has once again examined the matter in detail and is of the view that bestowing of Pradhan Mantri Rashtriya Bal Puraskar on any child is a great honour and recognition to him, and no additional benefits may not be given to the awardees beyond the award. The Ministry has therefore, taken a policy decision not to allocate MBBS seats to the awardees of PMRBP under Central Pool Scheme. MWCD communicated its view to MoH&FW on 15.09.2022.”



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13. The Government has now changed the policy. As per the communication of the third respondent, dated 11.10.2021, guidelines for allocation of central pool seats for MBBS seats for the academic year 2021 – 2022 are clear.

14. In the instant case, the writ petitioner has won the National Child Award for his exceptional achievements in the year 2016 and has obtained the following awards:

- i. National Child Award for Exceptional Achievements – 2016.
- ii. Dr.A.P.J.Abdul Kalam Ignite Award 2017.
- iii. Appreciation by His Excellency The President of India Dr.A.P.J.Abdul Kalam.
- iv. Honour by the President of India His Excellency Shri.M.Ramnath Govind.
- v. Young Scientist India 2016 Award.
- vi. Space Training at Star City Moscow – Russia.
- vii. Furure Kalam – Award – Government of Tamil Nadu.



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- viii. NSLV-Kalam-II Balloon Satellite – Launch Successfully
– At NASA's – Columbia – Palestine – Texas.
- ix. NSLV-Kalam-III Balloon Satellite NSLV Kalam III at
Rajasthan – Bikanear Dessert.

15. On perusal of the earlier policy decision for introduction of two seats for MBBS / BDS courses, it is seen that the Government has taken a policy decision as follows:

“The Government of India has been conferring the Child awards to recognize the exceptional achievements of children in the field of innovation, scholastic, sports, arts, culture, social service, music or any other field which deserves recognition. The awards were being conferred in the following categories:

- a. *National Child Award for Exceptional Achievements – since 1996.*
- b. *National Child Welfare Award (Individual) – since 1979.*
- c. *National Child Welfare Award (Institution) – since 1979.*
- d. *Rajiv Gandhi Manav Sewa Award – since 1994.*



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2.Subsequently, the Government of India introduced these awards under the name of “Pradhan Mantri Rashtriya Bal Puraskar”. These awards are given as recognition to children with exceptional abilities and outstanding achievement in the fields of innovation, scholastic, sports, arts & culture, social service and bravery which deserves recognition.

...

...

5.For the awardees of National bravery Award, Ministry of Health and Family Welfare (MoH&FW) had been allocating MBBS/BDS seats under Central Pool to ICCW. After dissociation from ICCW, the same was allocated to Ministry of Women and Child Development (MWCD) for the awardees of PMRBP. However, it was decided that MWCD would not get involved in the allocation process of MBBS seats to the Winners of PMRBP and it was conveyed to MoHF&W that they are free to take appropriate action in this regard at their end and in case MoHF&W decides to continue the reservation of seats for the Winners of PMRBP on their own, the MWCD shall annually share the list of winners of PMRBP with MoHF&W for taking necessary action at their end. This was communicated to MoHF&W vide O.M dated 11.10.2021 and reiterated on 22.10.2021.



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6.The application of awardees of PMRBP for allocation of seats received in the MWCD were also forwarded to Ministry of Health on 09.02.2022. The application of petitioner was also forwarded to Ministry of Health & Family Welfare (MoH&FW).

7.MWCD vide O.M dated 10.03.2022 again reiterated its earlier stand to MoH&FW that MoH&FW may take necessary action for allocation of the seats to the awardees of PMRBP, if desires so or may treat the seats as deemed surrendered to MoH&FW. Thereafter, MoH&FW allocated the seats to State of Meghalaya and State of Nagaland.

8.MWCD has once again examined the matter in detail and is of the view that bestowing of Pradhan Mantri Rashtriya Bal Puraskar on any child is a great honour and recognition to him, and no additional benefits may not be given to the awardees beyond the award. The Ministry is there, not in favour of the allocation of MBBS seats to the awardees of PMRBP under Central Pool Scheme. MWCD communicated its view to MoH&FW on 15.09.2022.”



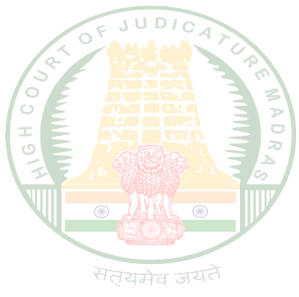
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16. Now, the third respondent has taken a stand that the grant of award itself is a recognition and honour and hence, no additional benefit may not be given to the awardees beyond the award.

17. We express our reservation as to the reasoning given by the third respondent. The child awardee for exceptional achievements needs encouragement and reservation in the medical field or any science field and it was rightly introduced two seats reservation and the said Scheme continued for sometime. Subsequently, the policy decision appears to have been changed.

18. In the larger interest of our country, to make achievements in the filed of Science and Technology, such reservation providing two seats in central pool for the admission in MBBS/BDS courses, after clearing the NEET Examination, may be a forward step to make our students to go high in life. Hence, though it is a policy decision, taking into consideration the facts and circumstances of the case, “we recommend for resumption of such reservation” of two seats for the awardees of Pradhan Mantri Rashtriya Bal Puraskar will be a right step for inculcating “scientific temper” among the students as envisaged in the preamble portion of the Constitution of India.



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19. With the above recommendation, this writ appeal is disposed

of. No costs.

[T.K.R., J.]

[N.S., J.]

29.01.2025

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

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Note to office:

Mark a copy of this order to the third respondent for consideration of the recommendation made in this Judgment in future.

To:

- 1.The Chief Secretary
to Government of India,
Union of India,
New Delhi.
- 2.The Secretary to
Government of India,
Ministry of Health & Family Welfare,
Nirman Bhavan, New Delhi.
- 3.The Secretary to
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AND
N.SENTHILKUMAR, J.

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