



ABSTRACT

Medical Education – Provision of 7.5% seats set apart on preferential basis to students who studied in State Government schools and have qualified in NEET for getting admission to Undergraduate courses of MBBS / BDS / Siddha / Ayurveda, Unani and Homoeopathy Courses from the academic year 2020-2021 made applicable to the State quota seats in all Government Medical/Dental Colleges and to the seats allotted by the State Government in the Self Financing Medical / Dental Colleges and all courses for which NEET has been prescribed as an eligibility criteria.. - orders - issued.

HEALTH AND FAMILY WELFARE (MCA.1) DEPARTMENT

G.O. (Ms) No. 438

Dated: 29 .10.2020

சார்வரி வருடம்,
ஐப்பசி மாதம் 13-ம் நாள்
திருவள்ளூர் ஆண்டு 2051

Read:

1. Hon'ble Chief Minister's announcement, Tamil Nadu Legislative Assembly No.005/2020, dated 21.03.2020.
2. G.O.(Ms) No.149, Health & Family Welfare (MCA1) Department, dated: 21.03.2020.
3. From Justice P. Kalaiyaran (retired High Court Judge), Chairman, State official Language Commission & Chairman of the Commission (Reg. NEET), report dated 08.06.2020.
4. Opinion from the Learned Advocate General of Tamil Nadu, High Court of Madras, Chennai, dated 20.06.2020 and 14.07.2020.

ORDER :

Under Rule 110, the Hon'ble Chief Minister of Tamil Nadu made the following announcement on the Floor of Tamil Nadu Legislative assembly on 21.03.2020:-

“xxx அரசுப் பள்ளிகள், மாநகராட்சி பள்ளிகள், நகராட்சி பள்ளிகள், ஆதி திராவிடர், பழங்குடியினர் நலப் பள்ளிகள், கள்ளர் சீர்மரபினப் பள்ளிகள், வனத் துறை பள்ளிகள் ஆகிய பள்ளிகளில், 1 முதல் 12ஆம் வகுப்பு வரை பயின்று நீட் தேர்ச்சி பெற்ற மாணாக்கர்களுக்கு பிரத்யேகமாக ஒரு உள் ஒதுக்கீடு கொடுக்க வகை செய்யும் சிறப்புச் சட்டம் ஒன்றை இயற்ற வகை செய்ய ஏதுவாக தேவைப்படும் அனைத்து புள்ளி விவரங்களையும் தொகுத்து உரிய பரிந்துரையையும் தமிழ்நாடு அரசுக்கு வழங்க, ஓய்வு பெற்ற ஒரு உயர்நீதிமன்ற நீதிபதி தலைமையில், ஒரு ஆணையம் அமைக்கப்படும்.

xxx மேற்கூறிய பள்ளி மாணவர்கள் மருத்துவப் படிப்புகளில் குறைந்த அளவிலேயே சேர்வதற்கான காரணங்களை ஆராய்ந்து, அவர்களின் சமூக பொருளாதார நிலையினை மதிப்பீடு செய்து,

xxx தனது பரிந்துரையை ஒரு மாத காலத்திற்குள் இவ்வாணையம் அரசுக்கு சமர்ப்பிக்கும்”

உள்ளாட்சித்தகவல்

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2. On and from the academic year 2017-18 admission to all medical educational institutions throughout the country at the under-graduate and post-graduate level is based on the marks obtained in the uniform entrance examination. Since then, admissions secured by the students who studied in Government Schools to M.B.B.S. course in the State, have become dismally poor. To assess and analyse the reasons for the lower number of Government school students getting admission to M.B.B.S. course and to suggest remedial measures, the Government constituted a Commission comprising of senior officials under the Chairmanship of Justice P. Kalaiyarasan (Retired High Court Judge). Further, the Commission in its finding has reported that the students of the Government schools are placed at a disadvantageous position as compared to their counterparts in private schools due to cognitive gap created by socio economic factors such as caste, wealth, parental occupation, parental education, gender, etc. and these psychological and socio economic barriers cannot be bridged by a few months of intensive coaching for National Eligibility-cum-Entrance Test, even if provided for free. To bridge this gap, the Commission has recommended that ten percentage of seats for admission to M.B.B.S. course can be set apart on preferential basis to students who studied from Sixth Standard to Higher Secondary Course in State Government schools and who have qualified in the National Eligibility-cum-Entrance Test.

3. The Commission has also recommended that the above reservation can be extended to all courses for which National Eligibility-cum-Entrance Test has been prescribed as an eligibility criterion. It is evident from the Commission's report that there exists de facto inequalities between the Government school students and the private school students.

4. The Government, after careful consideration of the recommendations of the Commission, have decided to take affirmative action so as to bring about real equality between the students who studied in Government schools and in private schools, by giving preference to the students of the Government schools, who have qualified in the National Eligibility-cum-Entrance Test in the admission to M.B.B.S, and other medical courses, for which the said Test is prescribed as the qualifying examination in the State.

5. In his letter third read above, the Chairman of the Commission submitted his report to the Hon'ble Chief Minister on 08.06.2020. The Commission offered the following conclusions and recommendations for consideration of the Government to enable students from the Government schools who have qualified in NEET to get admission to medical courses by providing a specific internal reservation by enacting a Special Act, as follows:-

- (i) Not less than 10 percentage (10%) of seats in the admission to MBBS Course have to be set apart on preferential basis to the students who have studied from sixth to twelfth standard in the State Government schools (Table 1.2) and qualified in the NEET exam.
- (ii) A Special Enactment has to be made providing horizontal reservation as proposed in the first (i) recommendation. Reservation as per law in force is to be followed.

- (iii) Reservation to the Government school students in getting admission to MBBS Course has to be reviewed by the State Government after a period of 5 years from the date of implementation.
- (iv) Above reservation can be extended to all courses for which NEET has been prescribed as an eligibility criterion.

6. A meeting was convened under the Chairmanship of Hon'ble Chief Minister on 08.06.2020 wherein it was decided among others to place the recommendations of the Commission before the Cabinet for its decision. Meetings of the Council of Ministers were held on 15.06.2020 and 14.07.2020 and after detailed discussion, the Cabinet resolved the following:-

- a) to set apart seven and half percentage (7.5%) of seats in the admission to MBBS/BDS Courses on preferential basis to the students who have studied from sixth to twelfth standard in the State Government schools namely, School Education Department Schools including Panchayat Union Primary and Middle Schools, 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, as indicated under Table 1.2 of the Justice P. Kalaiyaran Commission Report and qualified in the NEET exam.
- b) to make a Special Enactment by providing horizontal reservation as decided in the first recommendation.
- c) to review the above reservation to the Government school students in getting admission to MBBS / BDS Courses by the Government after a period of 5 years from the date of implementation.
- d) to extend the above reservation to all courses for which NEET has been prescribed as an eligibility criterion, since from the year 2019-2020, NEET has been made as a qualifying examination for courses under Indian Medicine viz., Siddha, Ayurvedha, Unani and Homoeopathy.
- e) to make this reservation applicable to all Government Medical Colleges and to the seats allotted by the State Government in the Self Financing Medical Colleges under all disciplines.
- f) to add the following explanation under the definition "Students studied in Government schools" in clause 2(d) of the draft Ordinance, for the purpose in view;

"Explanation.- For the purpose of this definition, children belonging to weaker section and disadvantaged group who have studied upto 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 Compulsory Education Act, 2009 (Central Act 35 of 2009) and studied all remaining standards up to Higher Secondary Course in a Government school and qualified in the National Eligibility-cum-Entrance Test, shall be deemed to be 'Students studied in Government Schools'.

7. In his letters fourth read above, the Learned Advocate General, High Court of Madras has opined among others, as follows:-

“xxxx. In view of the law laid down by the Supreme Court, I am of the view that the reservation made for students who have studied in Government schools to the extent of 7.5% of the seats available in the Government quota is not violative of Articles 14 and 15 of the Constitution of India.

Subsequently, it was noted that there was another category of students who were obtaining admissions to private schools under Section 12 (1) (c) of the Right of Children to Free and Compulsory Education Act, 2009 who also come from socially and educationally backward classes of people and the Government reimburses the fees fixed by the private schools. However, under the provisions of the above Act, the admission is made only in the first standard and the benefit of the Act is given only upto the end of the eighth standard. From the ninth standard onwards, the provisions of the Act cease to apply provided they join Government schools after the eighth standard and continue upto the twelfth standard”.

8. Based on the decision in para 6 above and the opinion of the Learned Advocate General of Tamil Nadu in para 7 above the State Legislative Assembly passed the Bill (L.A. Bill No.24 of 2020), to provide for preference in admission to undergraduate courses in Medicine, Dentistry, Indian Medicine and Homoeopathy for the students who studied in Government Schools and have qualified in NEET and has been sent for the approval of the Hon'ble Governor. Since the NEET-Under Graduate results have now been declared and the admission process has started, there is an urgency to decide on this issue and since the power to issue executive directions under Article 162 of the Constitution of India is co-extensive with legislative powers, pending decision of the Hon'ble Governor, the Government hereby has taken the following policy decisions and issue orders accordingly:-

- (i) To set apart seven and a half percentage (7.5%) on preferential basis to the students who have studied from sixth to twelfth standard in the State Government schools in the admission to M.B.B.S., B.D.S., B.S.M.S., B.A.M.S., B.U.M.S. and B.H.M.S. courses and qualified in the National Eligibility-cum-Entrance Test. The above horizontal reservation shall be provided in each category of vertical reservation followed in the State of Tamil Nadu within the 69% reservation from the academic year 2020-2021.
- (ii) The “Government schools” mean and includes Panchayat Union Primary and Middle Schools, 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 upto 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 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’.

- (iii) The above setting apart of seats on preferential basis is applicable to the State quota seats in all Government Medical/ Dental colleges and all courses for which NEET has been prescribed as an eligibility criteria. and to the seats allotted by the State Government in the Self Financing Medical/Dental Colleges, minority and non-minority and under all disciplines.
- (iv) Students studied in Government schools shall also be entitled to compete for the Government seats, other than those set apart on preferential basis, along with the students who studied in private schools.
- (v) Admission of students studied in Government schools on preferential basis shall be made by following the reservation as per the law in force.

9. The Director of Medical Education, the Additional Director of Medical Education and the Directorate of Indian Medicine and Homeopathy are directed to take necessary action, accordingly.

(BY ORDER OF THE GOVERNOR)

J. RADHAKRISHNAN
PRINCIPAL SECRETARY TO GOVERNMENT

To

The Director of Medical Education, Chennai – 600 010.

The Additional Director of Medical Education / Secretary, Selection Committee,
Office of the Director of Medical Education,
Chennai – 600 010.

The Directorate of Indian Medicine and Homeopathy, Chennai – 600 106.

The Accountant General, Chennai – 600 018.

Copy to:

The Chief Minister's Office, Chennai – 600 009.

The Special Personal Assistant to Hon'ble Minister (Health), Chennai – 600 009.

The Special Personal Assistant to Hon'ble Minister (Law Department),
Chennai – 600 009.

The Law (Bills) Department, Chennai-600009.

The Public Department, Chennai-600009.

The School Education Department, Chennai-600009.

The Higher Education Department, Chennai-600009.

The Health and Family Welfare (IM-1 / IM-2 / Data cell) Department, Chennai – 600 009.

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// FORWARDED / BY ORDER //

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29/10/20

SECTION OFFICER