The Tamil Nadu Admission to Undergraduate Courses in Medicine, Dentistry, Indian Medicine and Homeopathy on preferential basis to students of Government Schools Act, 2020

Act 34 of 2020

Keyword(s):
Government School, Minority Educational Institution, National Eligibility Entrance Test, Private School

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Tamil Nadu Acts and Ordinances

The following Act of the Tamil Nadu Legislative Assembly received the assent of the Governor on the 30th October 2020 and is hereby published for general information:—

ACT No. 34 OF 2020.

An Act to provide for preference in admission to undergraduate courses in Medicine, Dentistry, Indian Medicine and Homeopathy for the students who studied in Government schools and have qualified in National Eligibility-cum-Entrance Test.

WHEREAS the Indian Medical Council Act, 1956 (Central Act 102 of 1956) mandates conduct of a uniform entrance examination for admission to all medical educational institutions throughout the country at the under graduate level;

AND WHEREAS the uniform entrance examination to all medical educational institutions is only a qualifying examination for admission to M.B.B.S. course;

AND WHEREAS admission to M.B.B.S. course in all medical educational institutions shall be based solely on the marks obtained in the uniform entrance examination;

AND WHEREAS the students who studied in Government schools have secured very negligible number of seats in the admission to M.B.B.S. course because of lower marks in the qualifying examination;

AND WHEREAS a Commission comprising of senior officials under the Chairmanship of Justice P.Kalaiyarasan (Retired High Court Judge) was constituted 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 to the Government;

AND WHEREAS in view of the cognitive gap created by socio economic factors such as caste, parental occupation, parental education, parental income, gender, etc., the said Commission concluded that the Government school students form a separate class and are in a disadvantageous position as compared to private school students and therefore recommended that ten per cent of seats in the 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 qualified in the National Eligibility-cum-Entrance Test;

AND WHEREAS the said 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;

AND WHEREAS Articles 14 and 15 of the Constitution permit reasonable classification on intelligible differentia and thereby permits different treatment to unequals;

AND WHEREAS the Government, after careful consideration of the recommendation of the said Commission, have decided to set apart seven and a half per cent of seats in the admission to M.B.B.S. course and other medical courses, for which the National Eligibility-cum-Entrance Test is prescribed as the qualifying examination, on preferential basis to students of the State Government schools who have qualified in the said Test;

BE it enacted by the Legislative Assembly of the State of Tamil Nadu in the Seventy-first Year of the Republic of India as follows:—

Short title and commencement.

1. (1) This Act may be called the Tamil Nadu Admission to Undergraduate Courses in Medicine, Dentistry, Indian Medicine and Homeopathy on preferential basis to students of Government schools Act, 2020.

(2) It shall come into force on such date as the State Government may, by notification, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) “Government” means the State Government;

(b) “Government seats” mean,—

(i) all the seats in 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 in Government Colleges, excluding the seats reserved for all India quota; and

(ii) 65 per cent of seats in 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 in non-minority educational institutions and 50 per cent of seats in minority educational institutions, or the seats as arrived at in accordance with the consensus between such institutions and the Government;

(c) “Government schools” mean and includes Government schools, Corporation schools, Municipal schools, Adi Dravidar and Tribal Welfare schools, Kallar Reclamation schools, Forest Department schools and other schools managed by Government Departments;

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(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.

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 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';

Central Act 35 of 2009.

(e) "minority educational institution" means an educational institution recognized or declared as such by the Government, subject to such conditions as may be prescribed;

(f) "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" mean the first year of Bachelor of Medicine and Bachelor of Surgery, Bachelor of Dental Surgery, Bachelor of Siddha Medicine and Surgery, Bachelor of Ayurvedic Medicine and Surgery, Bachelor of Unani Medicine and Surgery and Bachelor of Homeopathic Medicine and Surgery;

(g) "National Eligibility-cum-Entrance Test" means the Eligibility-cum-Entrance Test conducted by the authority designated under the Indian Medical Council Act, 1956, the Dentists Act, 1948, Indian Medicine Central Council (Minimum Standards of Education in Indian Medicine) Regulations, 1986 and the Homeopathy (Degree Course) Regulations, 1983 for 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, respectively;

Central Act 102 of 1956.

Central Act XVI of 1948.

(h) "private school" means a school which is not a Government school.

Admission on preferential basis.

3. Notwithstanding anything contained in any law for the time being in force and subject to section 5, seven and a half per cent of the Government seats shall be set apart on preferential basis to students studied in Government schools.

Right to compete for other seats not to be affected.

4. 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.

Reservation to apply.

5. Admission of students studied in Government schools on preferential basis under section 3 shall be made by following the reservation as per the law in force.

Filling up of preferential seats.

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.

Power to make rules.

7. (1) The Government may, by notification, make rules for carrying out all or any of the purposes of this Act.

(2) (a) All rules made under this Act shall be published in the *Tamil Nadu Government Gazette*, and unless they are expressed to come into force on a particular day, shall come into force on the day on which they are so published.

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(b) All notifications issued under this Act shall, unless they are expressed to come into force on a particular day, come into force on the day on which they are so published.

(3) Every rule made, notification or order issued under this Act shall, as soon as possible, after it is made or issued, be placed on the Table of the Legislative Assembly, and if, before the expiry of the session in which it is so placed or the next session, the Legislative Assembly makes any modification in any such rule, notification or order or the Legislative Assembly decides that the rule, notification or order shall thereafter have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule, notification or order.

Power to remove difficulties.

8. If any difficulty arises in giving effect to any provisions of this Act, the Government may, by an order published in the *Tamil Nadu Government Gazette*, make such provisions not inconsistent with the provisions of this Act, as may be necessary or expedient for the purpose of removing the said difficulty:

Provided that no such order shall be made after the expiry of two years from the date of commencement of this Act.

Power to give directions.

9. The Government may, from time to time, give such directions as it may deem fit for giving effect to the provisions of this Act.

(By order of the Governor)

C. GOPI RAVIKUMAR,
Secretary to Government,
Law Department.

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