



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.09.2015

CORAM:

THE HON'BLE MR.JUSTICE T.RAJA

W.P. (MD) No.17580 of 2015

and

M.P. (MD) No.1 of 2015

V.SHRIVIKA

.. Petitioner

Vs.

1. THE MEDICAL COUNSELLING COMMITTEE,  
DIRECTORATE GENERAL OF HEALTH SERVICES,  
MINISTRY OF HEALTH AND FAMILY WELFARE,  
NIRMAN BHAVAN, NEW DELHI.
2. THE CENTRAL BOARD OF SECONDARY EDUCATION,  
"SHIKSHA KENDRA"  
NO.2, COMMUNITY CENTRE,  
PREET VIHAR, DELHI-110 092.
3. THE DIRECTOR OF MEDICAL EDUCATION,  
DME COMPLEX, NO.162, EVR PERIYAR SALAI,  
KILPAUK, CHENNAI-600 010. .. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents 1 and 2 not to surrender the unfilled All India Quota UG (MBBS/BDS) Seats-2015 to the respective States and allot one MBBS seat to the petitioner in respect of the unfilled MBBS seat in the Government Medical Colleges situated in Tamil Nadu under All India Quota as per the petitioner's representation dated 13.09.2015.

For Petitioner : Mr.K.Mahendran

For R1 and R2 : Mr.D.Saravanan,  
Central Government Counsel

For R3 : Mr.R.Anandharaj  
Government Advocate

ORDER

This writ petition has been filed by Miss.V.Shrivika, who is placed in all India Rank of 7979 for admission in M.B.B.S. Course under 50% of the All India quota that belongs to the Central Government, seeking Mandamus under Article 226 of the Constitution of India directing the respondents 1 and 2 not to surrender the unfilled All India Quota UG



(MBBS/BDS) Seats-2015 to the respective States and allot one MBBS seat to the petitioner in respect of the unfilled MBBS seat in the Government Medical Colleges situated in Tamil Nadu under All India Quota as per the petitioner's representation, dated 13.09.2015.

2.Learned counsel for the petitioner would submit that the petitioner has scored 996 marks out of 1100 marks in 10<sup>th</sup> standard Matriculation in March 2007 and subsequently, she has completed her higher secondary at SBOA School & Junior College, Anna Nagar West, Chennai under Central Board of Secondary Education by getting A1 Grade in the year 2011. As a result, when she applied for M.B.B.S. Course, for the academic year 2015-2016, she has been placed in all India rank of 7979. The first respondent also has considered the cut off marks viz., 695 and 453. Therefore, the petitioner, who has secured 485 marks is entitled to get admission. However, the grievance of the petitioner is that 15% of the seats under the All India Quota are likely to be surrendered back to the State Government by the Central Government. If any such surrender takes place, the petitioner would not be in a position to get admission for M.B.B.S. under All India Quota.

3.Learned counsel for the petitioner would further submit that as the petitioner has got more than the cut off marks, a direction should be issued to respondents 1 and 2 not to surrender the unfilled seats under the All India Quota and to keep one M.B.B.S. seat vacant under the said Quota, pending disposal of this writ petition.

4.After notice, the learned counsel appearing for the respondents 1 and 2 submitted that it is too late for the petitioner to make a prayer for MBBS admission as the time for admission is over i.e. 30.09.2015 being the last date. Secondly, a direction to respondents 1 and 2 not to surrender the unfilled seats under the All India Quota UG(MBBS/BDS) Seats for the year 2015 to the respective States, may not be granted as the issue has become infructuous now, in view of the fact that the seats have already been surrendered. In support of his contention, he has also placed the details of UG seats vacant due to Non-Joining/Resignation reverted (Surrendered) to States/Universities on 17.09.2015 at 11.30 a.m.

5.In view of the placement of details of surrender of seats to the State Universities and also for the reason that today being the last date, this Court is not able to answer the prayer in favour of the petitioner.

6.Accordingly, this writ petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is also dismissed.

Sd/-  
Assistant Registrar

/True Copy/

Sub Assistant Registrar



To

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KILPAUK, CHENNAI-600 010.

+1cc to Mr.D.Saravanan, Advocate SR.No.57673

W.P. (MD) No.17580 of 2015  
and  
M.P. (MD) No.1 of 2015

30.09.2015

raj2

NS/NGM-SS/09.12.2015 : 3P/5C