

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.06.2016

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.18410 of 2016

and

W.M.P.Nos.16108 and 16109 of 2016

V.B.Raagavendhar (Minor)

Rep. by his father V.Balasubramanian

... Petitioner

Vs.

1. Medical Council of India
Pocket-14, Sector-8,
Dwarka Phase-1,
New Delhi-110 077.

2. All India Institute of Medical Sciences,
Examination Section,
Ansari Nagar,
New Delhi-110 608.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling upon the records of the 2nd respondent pertaining to the rejection of application of the petitioner in Registration No : 30194108 for AIIMS MBBS Entrance Examination-2016 and quash the same and direct the 2nd respondent to accept the same.

For Petitioner : Mr.B.Jawahar

For Respondents : Mr.Su.Srinivasan for R2

ASG

Mr.V.P.Raman for R1

O R D E R

By consent, the writ petition is taken up for final disposal.

2.The petitioner had studied Higher Secondary Course in the Central Board of Secondary Education (CBSE) pattern and got 374 out of 500 marks in board exam held during March, 2015. The

petitioner applied for admission to MBBS Course 2016-17 in the second respondent institute. The petitioner applied for the examination through online mode on 08.03.2016 and paid necessary fees and his application was accepted and registration no.30194108 was assigned. The petitioner was anxiously waiting for the admission card so as to enable him to write the examination.

3.The petitioner would further state that the entrance examination was to be held on 29.05.2016. The petitioner tried to down load the admit card but to his shock and surprise, he found his name in the rejection list. The reason for rejection is that, his photograph is without white background. The petitioner aggrieved by the said act, came forward to file this writ petition.

4.When the matter was listed on 26.05.2016, this Court passed an order of interim direction, directing the second respondent to permit the petitioner to participate in the entrance examination to be held on 29.05.2016, without prejudice to their rights and contentions and also making it clear that, the result of the said examination shall not be declared until further orders and directing the listing of the matter on 10.06.2016. On 13.06.2016, this Court clarified that the interim order pertains to the petitioner alone and there cannot be any impediment on the part of the second respondent to declare the result of the other candidates and directed the listing of the matter on 20.06.2016 and on that date, the learned counsel appearing for the petitioner took time and therefore, it is listed today under the caption 'for orders'.

5.The learned counsel appearing for the petitioner would submit that in the light of the interim direction, the petitioner has written the entrance examination and the result of the same may be declared so as to enable him to evaluate his performance.

6.Per contra, Mr.Su.Srinivasan, learned Assistant Solicitor General has drawn the attention of this Court to the counter affidavit of the second respondent, dated 08.06.2016 as well as to the compliance affidavit of the second respondent, dated 18.06.2016 and would submit that the percentile cut-off for un-reserved candidate is 96.3166305. The petitioner did not secure the cut-off mark and would further submit that as per the requirement of the prospectus, the photograph must be of white background inorder to detect and prevent impersonation during the examination and at the time of counselling and admission and these guidelines are similar to those given for pass port - visa application.

7.It is the further submission of the learned Assistant Solicitor General that the second respondent has provided ample opportunities to the candidates to correct the image (photograph) vide system generated auto main communications dated 30.03.2016 to 08.04.2016, 22.04.2016 to 25.04.2016 and 30.04.2016 to 03.05.2016 and the last date for uploading of admit card was also postponed by two days for the candidates to avail such opportunity and separate E-Mail and SMS were also sent to candidates for avail such purposes and despite that, the petitioner has failed to avail the opportunities and prays for dismissal of the writ petition.

8.This Court has carefully considered the rival submissions and also perused the materials placed before it.

9.Admittedly, the petitioner did not upload the photograph with white background and despite, very many opportunities have been afforded to him, he did not do so, for the reasons best known to him. Even on merits, the petitioner did not secure the cut-off marks for un-reserved category. Therefore, on that ground also, the petitioner is not entitled to the relief prayed for.

10.Therefore, this Court in the light of the facts and circumstances, is of the view that the case projected by the petitioner lacks merit and therefore, this writ petition deserves dismissal. Accordingly, the writ petition is dismissed. No costs. Consequently, the connected miscellaneous petitions are also closed.

11.The petitioner participated in the entrance examination pursuant to the interim orders of this Court and therefore, this Court directs the second respondent to declare the result of the petitioner and it is also made clear that the petitioner cannot claim any right or equity on the basis of the result of the entrance examination written by him.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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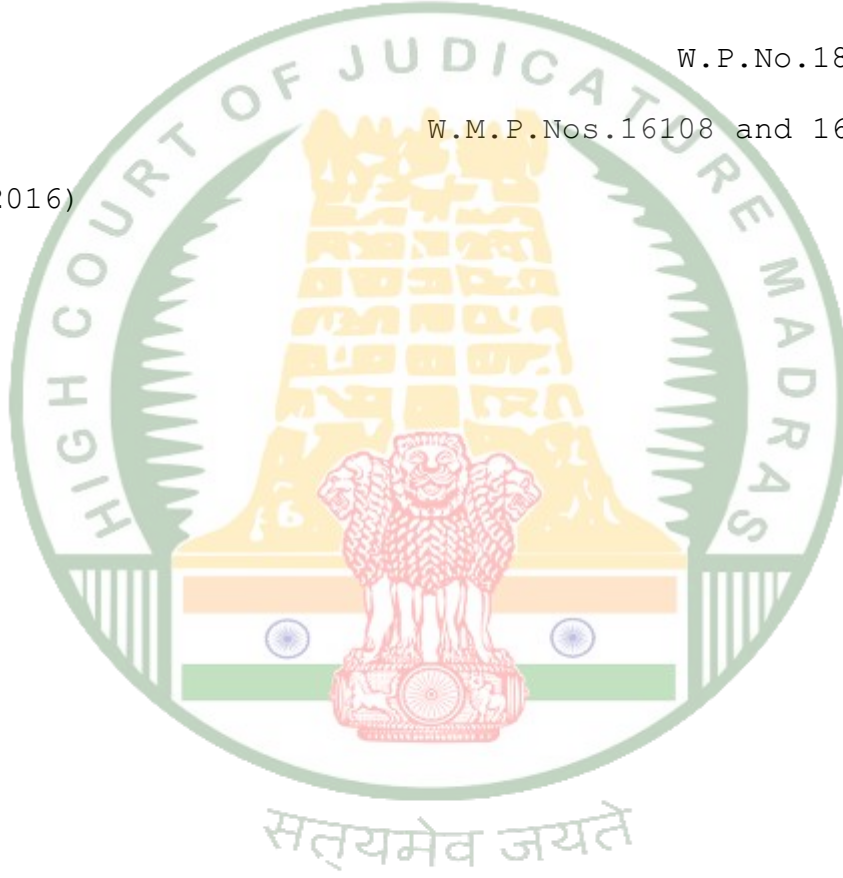
To

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RP (CO)
CA(04/07/2016)



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