

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.10.2016

CORAM

THE HONOURABLE MR. JUSTICE B.RAJENDRAN

W.P.No.33034 of 2016
& W.M.P.No.28539 of 2016

S.Sekar

(Father and Natural Guardian
of Minor S.Krithika)

... Petitioner

Vs

The Chairman

Central Board of Secondary Education,
"Shiksha Sadan". Rose Avenue,
New Delhi 110 002.

... Respondent

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus directing the respondent to publish/communicate the NEET-I result of petitioner's daughter S.Kirthika, Roll No.64323132, Regn.No.7442998.

For Petitioner : Mr.V,Chockalingam

For Respondent : Mr.G.Nagarajan

O R D E R

This writ petition has been filed seeking a writ of mandamus directing the respondent to publish/communicate the NEET-I result of petitioner's daughter S.Kirthika, Roll No.64323132, Regn.No.7442998.

2. It is the case of the petitioner that her daughter appeared for NEET-I examination held on 01.05.2016 and since the marks obtained by her was not up to her satisfaction she had chosen to apply for NEET-II examination. Unfortunately, she could not able to appear for NEET-II on account of her ill-health. It is the further case of the petitioner that the respondent withheld the results of petitioner's daughter and hence, the present writ petition has been filed with the aforesaid prayer.

3. Learned counsel for the respondent brought to the notice of this Court and produced the copy of the order of the Honourable Supreme Court dated 09.05.2016 in W.P.No.293 of 2016 wherein it has been held as follows:

" Only other contention relates to perceived hardship to the students who have either applied for NEET-I, but could not appear or who appeared but could not prepare fully thinking that the preparation was to be only for 15% All India seats and there will be further opportunity to appear in other examinations. To allay any such apprehension, we direct that all such eligible candidates who could not appear in NEET-I and those who had appeared but have apprehension that they had not prepared well be permitted to appear in NEET-II, subject to seeking an option from the said candidates to give up their candidature for NEET-I. It would be open to the respondents to reschedule the date of holding NEET-II, if necessary. To this extend the earlier orders stands modified."

Therefore, the learned counsel would further submits that once a person who had applied for NEET-II examination, his/her right in so far as NEET-I is ruined. The petitioner's daughter only after waiving the right in NEET-I can apply for NEET-II examination.

4. In view of the foregoing, merely because the petitioner's daughter was not able to appear for NEET-II examinations, on account of her ill-health that will not give her any new right to seek for publishing the results of NEET-I examination. As per the law laid down by the Honourable Supreme Court in the judgment cited supra, after foregoing her right in the NEET-I examination, she had applied for NEET-II examination. Hence, nothing survive for further adjudication in this matter and the writ petition is closed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Asst.Registrar

/true copy/

Sub Asst. Registrar

smi

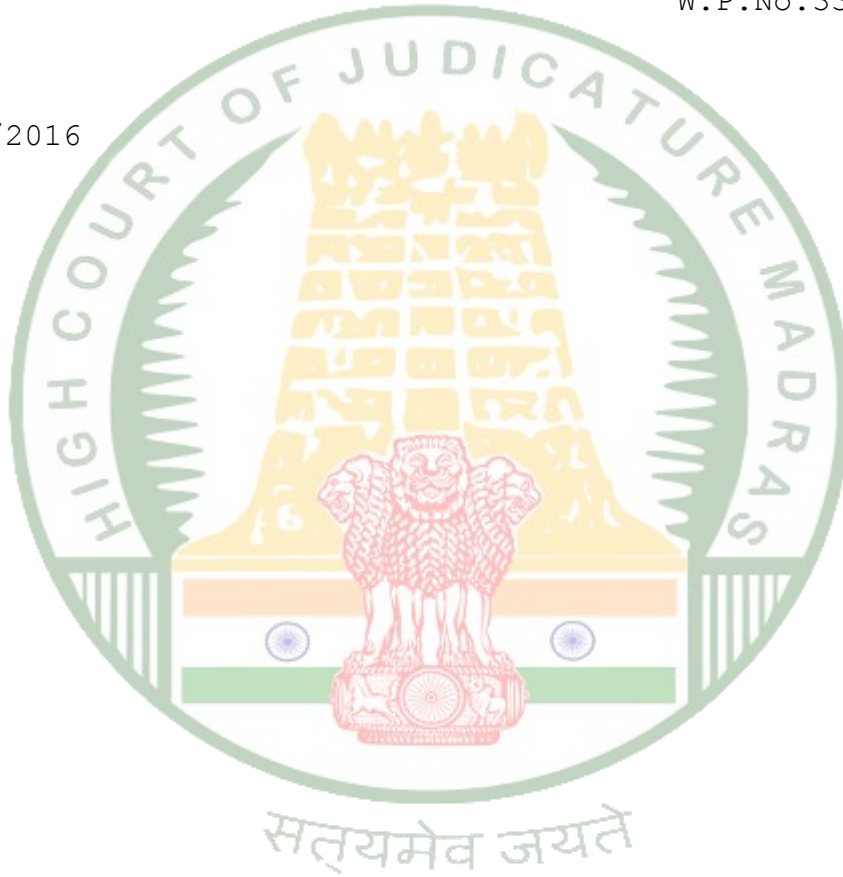
To

The Chairman
Central Board of Secondary Education,
"Shiksha Sadan".
Rose Avenue,
New Delhi 110 002.

+1cc to M/s G.Nagaraj, Advocate Sr.56922
+1cc to M/S V.Chokalangham, Advocate Sr.56888

W.P.No.33034 of 2016

RJ(CO)
RVR 14/11/2016



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