



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:18.10.2016

WEB COPY

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Writ Petition(MD)No.17281 of 2016

B.Nesalin Isha

... Petitioner

Vs.

1. Union of India,
Rep. By its Secretary,
Ministry of Health and Family Welfare,
Nirman Bhawan,
New Delhi - 110001.

2. The Medical Council of India,
Rep. By its Secretary,
Pocket 14, Sector - 8,
Dwarka Phase-I,
New Delhi-110077.

3. The Secretary,
Central Board of Secondary Education,
CBSE Bhawan, Shiksha Kendra,
Community Centre,
Preet Vihar, New Delhi.

4. The Chairman,
Tamilnadu Medical Council,
New No.914, Old No.569,
Poonamallee High Road,
Arumbakkam,
Chennai - 600 106.

... 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 third respondent to consider and pass orders on the petitioner's representation, dated 29.08.2016 seeking to include the petitioner in the OBC category in the light of the Community Certificate issued by the Tahsildar, Agastheeswaram, Kanyakumari District.

For Petitioner	: Mr.H.Elango
For R-1	: Mr.R.Murugappan (CGSC)
For R-2	: Mr.P.Mahendran for
	Mr.V.P.Raman
For R-3	: No Appearance

**ORDER**

The case of the petitioner is that she belongs to Christian Sambavar community and it was classified as O.B.C category. The petitioner completed +2 course in the month of March 2016 and filed an application for writing NEET Examination, through on-line on 06.02.2016. At the time of making application, the petitioner inadvertently marked her community as "Others" instead of "OBC". Subsequently, she attended the NEET Examination and obtained 141 marks and she was given rank No.373256. Since the petitioner had wrongly given her community as 'Others', she sent a representation to the third respondent on 29.08.2016 to consider her application under OBC category. The said representation is still pending with the third respondent without any disposal and hence, she has filed this Writ Petition.

2. When the matter came up for admission, the petitioner was directed to take private notice to the third respondent. The petitioner took private notice to the third respondent, also filed proof of service and the name of the third respondent is also printed in the cause list. Today, when the matter is called, no-body is representing the third respondent.

3. In the above circumstances, the Writ Petition is disposed of with a direction to the third respondent to consider the petitioner's representation, dated 29.08.2016, on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order. No Costs.

Sd/

Assistant Registrar(Crl.Side)

/TRUE COPY/

Sub Assistant Registrar

To

1. The Secretary, Union of India,
Ministry of Health and Family Welfare,
Nirman Bhawan, New Delhi - 110001.
 2. The Secretary, The Medical Council of India,
Pocket 14, Sector - 8, Dwarka Phase-I, New Delhi-110077.
 3. The Secretary, Central Board of Secondary Education,
CBSE Bhawan, Shiksha Kendra, Community Centre,
Preet Vihar, New Delhi.
 4. The Chairman, Tamilnadu Medical Council,
New No.914, Old No.569, Poonamallee High Road,
Arumbakkam, Chennai - 600 106.
- +1cc to Mr.H.Elango, Advocate Vide SR No.61076.
+1cc to Mr.R.Murugappan, Advocate, Vide SR No.61132.
+1cc to Mr.V.P.Raman, Advocate, vide SR No.61149.

W.P(MD)No.17281 of 2016

18.10.2016