

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.07.2017

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

Writ Petition No.9573 of 2017
and
W.M.P.Nos.10524 & 10525 of 2017

Dr.K.Murugesan ... Petitioner

Vs.

1. The Director
National Board of Examination
New Delhi.
2. The Director General of Health Services
New Delhi.
3. The Director
Directorate of Medical Education
Kilpauk, Chennai-600 010. ... Respondents

Prayer :

Writ petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, to direct the 1st respondent to publish the result of the petitioner in consonance with the correct date of birth of the petitioner viz., 06.06.1980 as per the relevant educational certificates uploaded which was duly acknowledged by the 1st respondent in Registration No. CD1768940 for NEET-PG 2017 for admission to MD/MS/PG Diploma Courses-2017 Examinations vide their Confirmation Number in No.0G0SYDIXC3 and Transaction ID Number HIOB4821354167 forthwith.

For Petitioner : Mr.T.M.Hariharan
for M/s.K.A.Mariappan

For Respondents : Mr.C.K.V.Dhruva,
standing counsel, for R1

Mr.Su.Srinivasan,
Asst. Solicitor General of India,
for R2

Mr.A.Kumar
Special Government Pleader, For R3

O R D E R

The petitioner seeks for a mandamus as follows:

to direct the 1st respondent to publish the result of the petitioner in consonance with the correct date of birth of the petitioner viz., 06.06.1980 as per the relevant educational certificates uploaded which was duly acknowledged by the 1st respondent in Registration No. CD1768940 for NEET-PG 2017 for admission to MD/MS/PG Diploma Courses-2017 Examinations vide their Confirmation Number in No.0G0SYDIXC3 and Transaction ID Number HIOB4821354167 forthwith.

2. Heard both sides.

3. The petitioner applied for NEET-PG 2017 for admission to MD/MS/PG Diploma Courses-2017 Examinations, conducted by the first respondent. The petitioner has entered his date of birth as 06.06.1980 in the on-line application and he was also indicated that he had successfully registered for NEET-PG 2017 with Registration Testing ID CD1768940, also by specifically stating that his date of birth as 06.06.1980. The petitioner was issued with an admit card for NEET-PG 2017 for admission session, wherein, apart from referring his registration testing ID (Roll No. CD1768940), his date of birth was also stated as 06.06.1980. He wrote the examination and thereafter when the results were published, he was unable to access the results, even though he entered the testing ID and date of birth correctly. When the petitioner enquired about such difficulty in getting the results, he was intimated that he registered his date of birth as 12.05.1982. Therefore, the petitioner filed the present writ petition, by contending that the petitioner never entered his date of birth as 12.05.1982 and on the other hand, he had correctly stated the same as 06.06.1980 in his on-line application as reflected in the admit card for NEET Examination as well.

4. The first respondent filed a counter affidavit, wherein, it is stated that the date of birth is only used as a mode to access the results by the candidate and nothing more. It is further stated therein that the entrance examination and assessment thereon is conducted entirely on a different server and has nothing to do with the service in which the results are displayed. Therefore, it is stated that the inadvertent error of the date of birth recording in the front end service used by the candidate to access their results is only incidental and by no means so as to affect the performance of the candidate. By saying so, it is also specifically stated in the counter affidavit, that the petitioner herein has scored 609.1928 marks

out of 1500 and the cut-off marks for OBC category is 842.2654. Therefore, it is stated that the petitioner does not qualify for the on-line counseling for All India 50% quota seats, even assuming that the candidate is treated under the OBC category.

5. Mr.T.M.Hariharan, learned counsel appearing for the petitioner submitted that when the respondents admitted that there is some error in referring the date of birth of the petitioner, it cannot be accepted that the marks referred to in the counter affidavit, are the marks obtained by the petitioner.

6. On the other hand, the learned counsel appearing for the first respondent by producing the testing results of the petitioner from the main examination server submitted that the petitioner has only scored 609.1928 marks and therefore wrong date of birth of the petitioner is not going to make any difference.

7. I have perused the statement made in the counter affidavit and the mark sheet produced before this Court in respect of the petitioner. It clearly indicates that the testing ID of the petitioner viz., CD1768940 has not been changed. Therefore, when the marks scored by the petitioner shown as 609.1928 are referable to the registration / testing ID, admittedly belonging to the petitioner, I do not think that the petitioner can contend otherwise. However, as the petitioner has rightly entered his date of birth as 06.06.1980, the mark sheet given to him should also contain the correct date of birth. Therefore, the first respondent is directed to issue the corrected score card to the petitioner indicating the correct date of birth as 06.06.1980. Such corrected mark sheet will be issued by the first respondent within a period of one week from the date of receipt of a copy of this order. Still if the petitioner feels that the marks said to have been scored is not that of the marks obtained by the petitioner, it is open to him to agitate the same separately in the manner known to law.

7. Accordingly, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Asst.Registrar (CS V)

/true copy/

Sub Asst. Registrar

mk

To

1.The Director
National Board of Examination
New Delhi.

2.The Director General of Health Services
New Delhi.

3.The Director
Directorate of Medical Education
Kilpauk, Chennai-600 010.

+1cc to M/s.Anand Samy & Dhurva,Advocate sr.49847

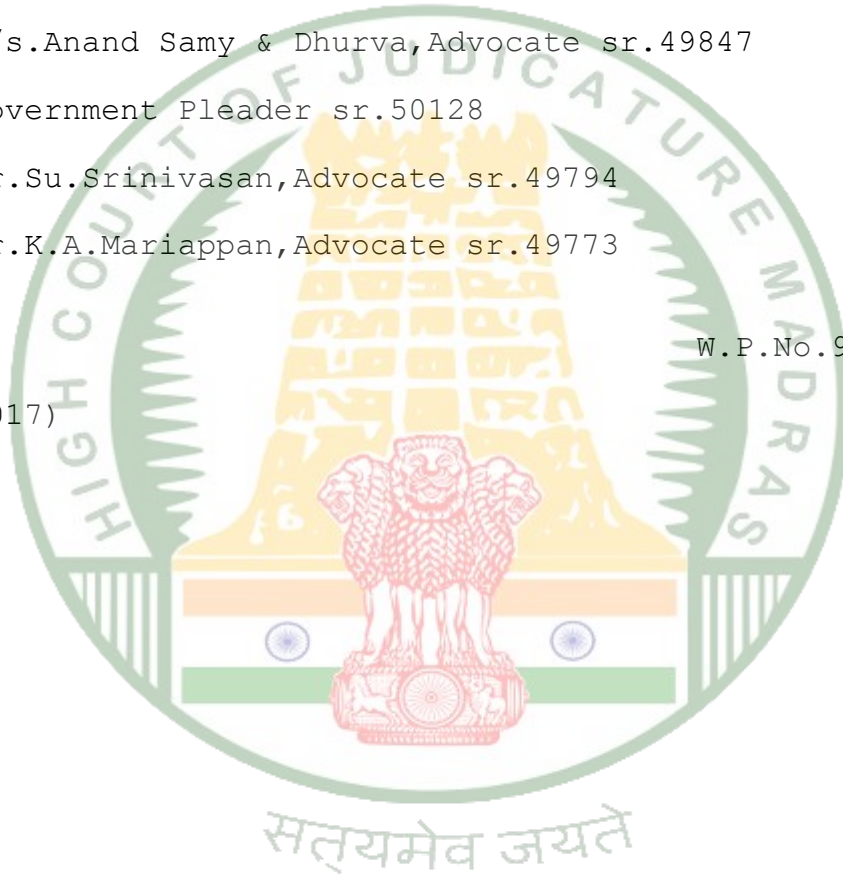
+1cc to government Pleader sr.50128

+1cc to Mr.Su.Srinivasan,Advocate sr.49794

+1cc to Mr.K.A.Mariappan,Advocate sr.49773

W.P.No.9573 of 2017

ss (27/7/2017)



WEB COPY