

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02-06-2017

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THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P.No.13646 of 2017

Binu Shervin,J
Minor, aged about 17 years,
Rep. by his father and natural guardian
Mr.John Christopher.J ... Petitioner

-Vs-

1. The Chairman,
Central Board of Secondary Education,
Siksha Kendra Community Centre,
Preet Vihar,
New Delhi.
2. The Director General,
National Informatic Centre,
'A' Block, CGO Complex,
Lodhi Road,
New Delhi-110 003 ... Respondents

Writ petition filed under Article 226 of the Constitution of India to issue a Writ, Order of direction, in the nature of a Writ of Mandamus directing the Respondents to treat the petitioner's application bearing Roll No.909004864 and Registration No.80616009 under OBC category for admission of courses in any of the colleges under the respondents and treat the petitioner under OBC category by correcting the category as OBC instead of OC for the purpose of ranking of NEET Examination, 2017 by considering the representation dated 22.05.2017 within the period that may be stipulated by this Court.

For Petitioner : Mr.R.Manickam

O R D E R

This Writ Petition has been filed praying for a Writ of Mandamus directing the respondents to treat the petitioner's application bearing Roll No.909004864 and Registration No.80616009 under OBC category for admission of courses in any of the colleges under the respondents and treat the petitioner under OBC category by correcting the category as OBC instead of OC for the purpose of ranking of NEET Examination, 2017 by considering the representation dated 22.05.2017 within the stipulated period.

2. The case of the petitioner is that the petitioner's father belongs to Christian Nadar Community classified as Other Backward Class category (OBC). The petitioner has passed tenth Standard examination during March 2015 and has passed in Higher Secondary Course (HSC) during March 2017 and he applied for NEET-2017, for getting admission for MBBS. It is the further case of the petitioner that the petitioner while filing up the online application form for NEET examination 2017 conducted by the Central Board of Secondary Education, the category was entered in the application as UR instead of OBC category because of the delay in obtaining OBC Certificate from the Competent authority which was received only on 11.05.2017. It is further stated that however based on the petitioner's application he was issued with a Hall Ticket for National Eligibility cum Entrance Test (UG) (NEET) scheduled to be held on 07.05.2017 and the petitioner has also successfully participated in the Entrance Exam and during participating the Entrance Exam the OBC Certificate for the petitioner was not received by him due to the official delay in the office of the competent authority. It is further stated that the wrong entry made by the petitioner in the online application form by the petitioner was neither willful nor wanton but only by inadvertence and due to the delay in obtaining OBC Certificate from the competent authority. It is also stated that the petitioner neither tampered nor altered the category to gain an admission for MBBS. Further, it is evident from the school certificate and from the community certificate that the petitioner belongs to other Backward Class category for which he is now in possession of OBC certificate issued by the competent authority. Hence, the petitioner sent a representation through e.mail as well as through Speed post to the 1st respondent dated 22.05.2017, requesting him to make correction in category by condoning the delay of making correction so as to enable the petitioner to make him eligible for admission to MBBS. Therefore, the petitioner has approached this Court, seeking for the aforesaid relief.

3. Heard the learned counsel for the petitioner.

4. The learned counsel for the petitioner would submit that the representation of the petitioner dated 22.05.2017 is directed to be considered by the first respondent, on merits and in accordance with law, within a stipulated period.

5. The learned Additional Government Pleader appearing for the respondents has stated no objection for this Court, passing such an order.

6. Considering the facts and circumstances of the case and also considering the submissions made by the learned counsel appearing for the petitioner, without expressing any opinion on the merits of the case, this Court directs the first respondent to consider and dispose of the representation of the petitioner 22.05.2017, on merits and in accordance with law, within a period of two weeks from the date of receipt of a copy of this order.

7. This Writ Petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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To

1. The Chairman,
Central Board of Secondary Education,
Siksha Kendra Community Centre,
Preet Vihar,
New Delhi.

2. The Director General,
National Informatic Centre,
'A' Block, CGO Complex,
Lodhi Road,
New Delhi-110 003

+1cc to Mr.R.Manickam, Advocate, S.R.No.39498

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PA(CO)
CS/09/06/17