

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.09.2017

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THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

Writ Petition No.23523 of 2017

S.Nikitha (Minor)
Rep. by her Mother and Natural Guardian
S.Murugeswari

..Petitioner

Vs.

1. The Principal Secretary
Ministry of Health and Family Welfare
Government of Tamil Nadu
Chennai-600 009.

2. The Directorate of Medical Education
Rep. by its Director
Poonamalle High Road,
Kilpauk, Chennai-600 010.

3. The Secretary
Selection Committee
Directorate of Medical Education
Poonamalle High Road,
Kilpauk, Chennai-600 010.

4. The Secretary
Medical Council of India
New Delhi - 110 002.

5. The Registrar

Tamil Nadu Dr.M.G.R.Medical University
No.69, Anna Salai,
Guindy, Chennai-600 032.

6. Union of India

Rep. by its Secretary
Ministry of Health and Family Welfare
Nirman Bhavan
New Delhi - 110 011.

7. The Director General of Health Services

Ministry of Health and Family Welfare
Government of India
Nirmal Bhavan
New Delhi - 110 011.

..Respondents

Prayer :

Writ petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, directing the respondents particularly the 3rd respondent viz., the Secretary, Selection Committee, Directorate of Medical Education, Kilpauk, Chennai-600 010 to accept the petitioner as NEET candidate based on her Backward Community (BC) Certificate for admission to MBBS/BDS course 2017-2018 session under Management quota seats.

For Petitioner : Mr.R.Gandhi

Senior Counsel for
Mr.S.Udayakumar

For Respondents : Mr.K.Venkataramani, AAG
assisted by

Mr.A.Kumar

Special Government Pleader for R1 to R3

Mr.V.P.Raman, Standing counsel for R4

Mr.V.Venkatesan, SCGSC for R7

ORDER

The petitioner seeks for a direction to the respondents to accept the petitioner as NEET candidate belonging to BC community for admission to MBBS / BDS course for the academic year 2017-2018 under the management quota seats.

2. The case of the petitioner is that while filling up the application for NEET examination, the community category was wrongly mentioned as UR instead of BC, even though the petitioner belongs to BC community, as it is evident from the community certificate issued by the competent Revenue Official. Therefore, it is contended that the petitioner should be considered under the BC category while considering her admission to MBBS/BDS course.

3. The learned Additional Advocate General appearing for the respondents 1 to 3 submitted that admission to MBBS course is already over and therefore, the claim of the petitioner cannot be considered in any manner. However, insofar as the admission to BDS course is concerned, it is not in dispute that the counselling is still going on.

4. Heard the learned Senior Counsel appearing for the petitioner, the learned Additional Advocate General appearing for the respondents 1 to 3, the learned standing counsel appearing for fourth respondent and the Senior Central Government Standing Counsel appearing for seventh respondent.

5. Upon hearing the learned counsels on either side, it is evident that the petitioner when applied for NEET examination, has wrongly mentioned the community category as UR, even though the community certificate issued by the competent Revenue Official indicates that she belongs to BC community. Apart from the said fact, the transfer certificate issued by the School, where the petitioner studied, also indicates that she belongs to BC community. Moreover in the provisional merit list published for considering the candidates under Government Quota seats, the petitioner was shown as BC candidate with the Rank No.26027. Therefore, this Court is of the view that the petitioner can be shown some indulgence by placing her at the bottom of the list of the candidates belonging to BC community only for considering the admission

to BDS course, as admittedly the counselling to MBBS course is already over and therefore, the petitioner cannot seek for any remedy in respect of such course. This Court, has in fact entertained similar prayers and granted the relief in respect of the persons who approached this Court, before publication of the merit list and commencement of the counselling. But this petitioner has approached this Court, only after publication of the merit list and after commencement of the counselling and therefore, her name has to be placed only at the bottom of the list of the candidates belonging to BC category. Accordingly, this writ petition is disposed of, by passing the following order:

- (a) The respondents are directed to place the petitioner at the bottom of the merit list meant for BC community candidates, called for counselling to BDS course.
- (b) The candidates who are already shown in BC category of such merit list shall not be disturbed in any manner.
- (c) After filling up the seats based on such merit list already prepared in respect of BC community students for BDS course, if any vacancies arise, the petitioner's case can be considered by treating her as BC category, provided the

petitioner satisfies that the marks obtained by her in the NEET examination would fall under the zone of consideration for the BC category.

No costs.

05.09.2017

Speaking/Non-speaking order
Index : Yes/No

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Note : Issue order copy on 05.09.2017 (today)

To

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K.RAVICHANDRABAABU,J.

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