

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.09.2017

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

W.P.No.23818 of 2017

and

W.M.P.No.25028 of 2017

K.V.Akhilvaisakh

... Petitioner

vs.

1. The Director,
Directorate of Medical Education,
162, Periyar E.V.R.High Road,
Kilpauk, Chennai - 600 010.
 2. The Selection Committee (NEET-UG)
Directorate of Medical Education,
162, Periyar E.V.R.High Road,
Kilpauk, Chennai - 600 010.
 3. The Secretary,
The Selection Committee,
(NEET-UG) Counseling
Government Multi Speciality Hospital
Omandurar Government Estate,
Chennai-600 002.
 4. The Medical Council of India,
rep. by its Secretary,
Pocket No.14, Sector 8,
New Delhi.
- ... Respondents

Prayer:

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus to direct the respondents to consider the petitioner for admission to the MBBS course in any one of the Government Medical Colleges in Tamilnadu for the academic year 2017-18.

For Petitioner : Mr.N.Chandra Raj

For Respondents : Mr.A.Kumar,
Special Government Pleader for R1 to R3
Mr.V.P.Raman,
Standing counsel for R4.

O R D E R

Mr.A.Kumar, learned Special Government Pleader takes notice for the respondents 1 to 3. Mr.V.P.Raman, learned Standing counsel takes notice for the 4th respondent.

2. The petitioner seeks for a mandamus directing the respondents to consider the petitioner for admission to the MBBS course in any one of the Government Medical Colleges in Tamilnadu for the academic year 2017-18.

3. The case of the petitioner is as follows:

His father is working in the Ordnance Factory, Trichy, from the year 1982. He belongs to Ezhavas and Thiyyas known as Thandan in the erstwhile Cochin and Malabar which is classified as Backward community in Kerala as well as in Tamilnadu as Ezhuvar. He studied upto 10th standard at Trichy and thereafter, completed his +2 course in Kerala. He wrote the NEET and obtained 346 marks and stood at Serial No.1509 in the General Ranking of the candidates in Tamil Nadu. He was called for counselling for admission in MBBS course 26.08.2017. He produced necessary certificates and has chosen the Government Medical College at Kanyakumari as his option. When he was about to pay the fees, the officials of the 3rd respondent called upon the petitioner to produce the community certificate issued by the Tamilnadu State Government. Through representation dated 26.08.2017, he sought for time for producing such certificate. Accordingly, he obtained the community certificate from the Zonal Deputy Tahsildar, Thiruverambur Taluk, Thiruchirapalli District, dated 30.08.2017 and produced the same before the 3rd respondent on 31.08.2017. However, the 3rd respondent denied permission to the petitioner to pay the fees stating that such certificate was not produced at the time of counselling on 26.08.2017. Therefore, the petitioner has filed the present writ petition for the relief as stated supra.

4. Learned counsel appearing for the petitioner, after inviting this Court's attention to the nativity certificate dated 03.07.2017 issued in favour of the petitioner and the call letter for counselling as well as the provisional merit list showing the petitioner in rank 1509 under the Backward community, submitted that the petitioner is already in possession of the community certificate issued by the Kerala Government and however, he obtained another certificate from the Tamil Nadu Government showing the community to which the petitioner belongs as Backward Community. Thus, he submitted that when the petitioner is satisfying the requirements with regard to his community status, the respondents are not justified in refusing admission to the petitioner. He also

invited this Court's attention to the relevant clauses in the prospectus.

5. Per contra, learned Special Government Pleader appearing for the respondents 1 to 3 submitted that at the time of counselling the petitioner was not in possession of the community certificate issued by the Tamilnadu Government and therefore, the 3rd respondent cannot be faulted in refusing permission to pay the fees.

6. When the above objection was raised by the learned Special Government Pleader, learned counsel appearing for the petitioner invited this Court's attention to Clause 18 - note (d) of the prospectus and contended that even assuming that the eligible community certificate was not produced by the petitioner at the time of counselling, still he ought to have been treated as open category community as the marks obtained by the petitioner, certainly, would fall under the zone of consideration of the open category candidates. Therefore, he submitted that in any event, the petitioner should have been considered for admission. After saying so, the learned counsel for the petitioner submitted that a detailed representation has already been made on 30.08.2017 to the Selection Committee and therefore, the 3rd respondent may be directed to consider the said representation immediately as a last date for admitting the students falls on 04.09.2017

7. Upon considering the submission made by the learned counsel for the petitioner and the learned Special Government Pleader appearing for the contesting respondents and considering the above stated facts and circumstances, this Court is of the view that it is for the 3rd respondent Selection Committee to consider the said representation of the petitioner dated 30.08.2017 and pass orders on the same by taking note of all the above stated facts and circumstances.

8. With the above observation, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

To

1. The Director,
Directorate of Medical Education,
162, Periyar E.V.R.High Road,
Kilpauk,
Chennai - 600 010.
 2. The Selection Committee (NEET-UG)
Directorate of Medical Education,
162, Periyar E.V.R.High Road,
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 3. The Secretary,
The Selection Committee,
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Government Multi Speciality Hospital
Omandurar Government Estate, Chennai-600 002.
 4. The Medical Council of India,
rep. by its Secretary,
Pocket No.14, Sector 8,
New Delhi.
- + 1 cc to M/s.Raj & Raj Associates, Advocate,SR.63304
- + 1 cc to M/s.V.P.Raman, Advocate,SR.63322

W.P.No.23818 of 2017

RK(CO)
NR 01/09/2017

सत्यमेव जयते

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