

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.23885 of 2017
and
WMP.No.25131 of 2017

Minor R.J.Swetha
Rep. by her father and Natural Guardian
R.Ravikumar

..Petitioner

Vs.

1. The Director
NEET Examination
Shiksha Kendra, 2, Community Centre,
Preet Vihar, Delhi - 110 092.
2. The Director General of Health Services
Ministry of Health and Family Welfare,
Nirmal Bhavan,
New Delhi - 110 011.
3. The Medical Council of India
Sector 8, Pocket 14, Phase-I,
Dwarka, New Delhi - 110 077.
4. The Selection Committee / 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, directing the respondents to change the

category of the petitioner from UR to OBC in her Application No.80757035 dated 20.02.2017 and consequently direct the respondents to approve the admission of the petitioner in the MBBS course for 2017-2018 under the OBC category.

For Petitioner : Mr.K.Selvaraj
For Respondents : Mr.V.Venkatesan, SCGSC for R2
Mr.V.P.Raman, Standing counsel for R3
Mr.K.Venkataramani, AAG
assisted by
Mr.A.Kumar
Special Government Pleader for R4

ORDER

The petitioner seeks for a direction to the respondents to change the category of the petitioner from UR to OBC in her application No. 80757035 dated 20.02.2017 and consequently direct the respondents to grant admission to the petitioner in MBBS course for the academic year 2017-2018 under the OBC category in the Deemed Universities.

2. The case of the petitioner is that while she submitted her application to appear for NEET examination, an error has occurred in respect of the category of the petitioner and thus, it was mentioned as UR instead of OBC, even though the petitioner belongs to OBC category.

Therefore, it is contended by the petitioner that such mistake has to be corrected and the petitioner should be permitted to take part in the counselling being conducted for admission to MBBS course in the Deemed Universities, for which the last date for admission is fixed as 07.09.2017 by the Hon'ble Supreme Court.

3. The learned counsel appearing for the petitioner submitted that the petitioner has already made an application for admission to MBBS course in the Deemed Universities. The learned counsel also invited this Court's attention to the orders passed in respect of the persons who also sought change of category and submitted that the same benefit may be given to the petitioner as well. However, he fairly admitted that those persons, who got the order from this Court, have filed their respective writ petitions well before the publication of the merit list and also commencement of the counselling.

4. When this matter was taken up for admission on 04.09.2017, the learned counsel appearing for the second respondent sought time to get instructions. Accordingly, the matter is listed today for further hearing.

The learned counsel appearing for the second respondent still seeks time by stating that he has not received any instructions from the second respondent so far. However, by considering the fact that the last date for admission to MBBS course in the Deemed Universities falls on 07.09.2017, this Court is inclined to dispose of this writ petition as hereunder.

5. Heard the learned counsel appearing for the petitioner and the learned standing counsels appearing for the respondents.

6. There is no dispute to the fact that the petitioner's category is shown as UR in the NEET results. According to the petitioner, the said entry was made by way of an error while making the entry in the application regarding community category, when the petitioner belongs to OBC community, as supported by the Community Certificate issued by the competent Revenue Official. The said certificate is also placed before this Court in the typed set of papers. Perusal of the same would show that the petitioner belongs to OBC community. Therefore, this Court is of the view that the claim of the petitioner can be considered by the

respondents while making admission to MBBS course in the Deemed Universities under the OBC quota, however, by placing the petitioner at the bottom of the list of the candidates belonging to OBC category. If the petitioner is placed at the bottom of the list without disturbing the other candidates who are already in the list under the OBC category, I do not think that there will be any prejudice or difficulty for the respondents to consider the petitioner, as the persons who are already found in the list will not be affected by placing this petitioner at the bottom of the list. It is also made clear, that the petitioner should satisfy the merit eligibility of the NEET examination under the OBC quota. Accordingly, this writ petition is disposed of, by issuing the following directions:

(a) The respondents shall consider the petitioner under OBC quota by placing her at the bottom of the list of the candidates under OBC category who are called for counselling for admission to MBBS course in the Deemed Universities.

(b) The candidates whose names are already found in the merit list under the OBC category for the purpose of considering their selection to MBBS course in the Deemed

Universities shall not be disturbed in any manner.

(c) Only after filling up the seats in the Deemed Universities under OBC category based on the list already prepared and if there are any vacancies still available, then the respondents shall consider the case of the petitioner, provided that she satisfies other requirements on merits under the OBC quota and that the marks obtained by her in the NEET examination would fall under the zone of consideration under OBC category and further that she has also applied for admission to MBBS course in the Deemed Universities.

No costs. Consequently, connected miscellaneous petition is closed.

05.09.2017

Speaking/Non-speaking order

Index : Yes/No

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Note : Issue order copy on 05.09.2017 (today)

To

1. The Director
NEET Examination
Shiksha Kendra, 2, Community Centre,
Preet Vihar, Delhi - 110 092.
2. The Director General of Health Services
Ministry of Health and Family Welfare,
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K.RAVICHANDRABAABU,J.



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