

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.09.2017

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

W.P.No.23998 of 2017
and
W.M.P.No.25306 of 2017

P.Susindharan

... Petitioner

vs.

1. Directorate General of Health Services,
Ministry of Health and Family Welfare,
Government of India, Maulana Azad Road,
New Delhi 110 108.
2. Mahatma Gandhi Medical College & Research Institute
represented by its Dean, (A constituent College
of Sri Balaji Vidyapeeth Deemed to be a University),
Pillayarkuppam,
Pondicherry - 607 403.
3. Sree Balaji Medical College and Hospital rep.
by its Dean, Chrompet, Chennai (Constituent College
of Bharth deemed to be a University)
Chennai-44.
4. Shri Satya Sai Medical College and Research Institute rep.
by its Dean, Tiruporur-Guduvancherry Main Road,
Ammappettai, Nellikuppam,
Chengalpet Taluk, Kancheepuram District.
(A constituent College of Sri Balaji Vidyapeeth
deemed to be a University, Pondicherry)
5. Saveetha Medical College and Hospital rep. by its
Dean, (Affiliated to Saveetha deemed to be a
University),
Chennai-77
6. Medical Council of India,
Rep. by Secretary,
Dwarakha Phase,
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 herein to verify the OBC certificate of the petitioner herein in accordance with the instructions issued by the 1st respondent herein and provide admission to the petitioner herein in MBBS course in the academic session 2017-18 according to the choice of the petitioner herein based on his merit ranking under OBC category.

For Petitioner : Mr.V.R.Rajasekaran

For Respondents: Mr.Su.Srinivasan,
Assistant Solicitor General for R1
Mr.K.Kumaresh Babu,
Standing counsel for R2 to R4
Mr.V.P.Raman,
Standing Counsel for R6

O R D E R

The petitioner seeks for the following relief:

"To issue a Writ of Mandamus to direct the respondents herein to verify the OBC certificate of the petitioner herein in accordance with the instructions issued by the 1st respondent herein and provide admission to the petitioner herein in MBBS course in the academic session 2017-18 according to the choice of the petitioner herein based on his merit ranking under OBC category."

2. Heard the learned counsel for the petitioner and Mr.Su.Srinivasan, learned Assistant Solicitor General appearing for the 1st respondent, Mr.K.Kumaresh, learned Standing Counsel appearing for the 2nd to 4th respondents and Mr.V.P.Raman, learned Standing counsel appearing for the 6th respondent.

3. The petitioner, by way of the present writ petition seeks admission to MBBS/BDS courses for the academic year 2017-2018 in any one of the Deemed Universities. The grievance of the petitioner is that even though he belongs to OBC category, it was wrongly mentioned in the application for NEET as 'UR' and therefore, if it is corrected, the petitioner will get a chance to get admission for MBBS/BDS in the Deemed Medical Universities.

4. Learned counsel appearing for the petitioner submitted

that the last date for conducting the counselling for admission is fixed as 07.09.2017 and therefore, this Court can show some indulgence.

5. On the other hand, the learned Assistant Solicitor General appearing for the first respondent, based on instruction, submitted that the petitioner has not at all applied for admission to MBBS/BDS course in the Deemed Medical University and therefore, now the petitioner cannot come and approach this Court and seek the remedy. He further submitted that in fact, the petitioner indirectly wants the extension of time for making such application, which has already expired.

6. Learned counsel appearing for the petitioner, on instruction submitted that it is true that the petitioner has not applied for admission to MBBS/BDS course in Deemed Universities, however, he insisted that the petitioner's case can be considered.

7. Upon hearing the learned counsel for the petitioner and the learned Assistant Solicitor General appearing for the first respondent, this Court is of the view that the claim of the petitioner cannot be considered or granted as admittedly, the petitioner has not made an application for admission to MBBS/BDS course in the Deemed Universities, for which, the last date to make such application is already over. Therefore, by way of the present writ petition, the petitioner cannot indirectly seek for extension of time for submitting the application itself. Consequently, I find no merits to entertain the writ petition. Accordingly, the writ petition fails and the same is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

vsi

To

1. Directorate General of Health Services,
Ministry of Health and Family Welfare,
Government of India, Maulana Azad Road,
New Delhi 110 108.

2. The Dean,
Mahatma Gandhi Medical College & Research Institute,
(A constituent College of Sri Balaji Vidyapeeth
Deemed to be a University),
Pillayarkuppam,
Pondicherry - 607 403.
3. The Dean,
Sree Balaji Medical College and Hospital,
Chrompet, Chennai (Constituent College
of Bharth deemed to be a University),
Chennai-44.
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Shri Satya Sai Medical College and Research Institute,
Tiruporur-Guduvancherry Main Road,
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University),
Chennai-77
6. The Secretary,
Medical Council of India,
Dwarakha Phase,
New Delhi.

+1cc to Mr.V.R.Rajesekaran, Advocate SR.No.64414
+1cc to Mr.Su.Srinivasan, Advocate SR.No.64456

सत्यमेव जयते

W.P.No.23998 of 2017

GN(22/09/2017)

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