

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17-07-2017

CORAM :

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

W.P.No.16706 of 2017 and
WMP.No.18083, 18217 of 2017

S.Shabhana

... Petitioner

-Vs-

1. Central Board of Secondary Education,
represented by its Chairman,
Shiksha Kendra, 2-Community Centre,
Preetvihar, New Delhi - 110 092.
2. The Director (Public Health and Preventive Medicine)
Directorate of Health Services
No.359, Anna Salai,
Teynampet, Chennai 600 006
3. The Secretary,
Medical Council of India,
Pocket-14, Sector-8,
Dwarka Phase-1, New Delhi - 110 077.
4. The Director of Medical Education,
Chennai.
(suo motu impleaded as 4th respondent
by order of Court dated 14.07.2017)

... Respondents

Writ petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for records in Roll Number 908503361 (Application No.80161790) dated 23.06.2017 on the file of the first respondent and quash the same and consequently direct the first respondent to change the community category of the petitioner from "UR" as wrongly stated in the application to "OBC" which the petitioner herein actually belong to and in consequence thereof issue a certificate according to eligible category.

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For Petitioner : Mr.N.Damodaran

For Respondents : Mr.G.Nagarajan (For R1)
Mr.V.Ananthamoorthy
(For R2 and R4)
Additional Government Pleader
Mr.V.P.Raman, (For R3)

O R D E R

The petitioner belongs to Muslim-Labbais community. It is recognised as other backward class in Tamil Nadu. The petitioner secured 482 marks out of 500 in her SSLC Examination and 1100 marks out of 1200 in the Higher Secondary Examination.

2. The petitioner applied for NEET (UG) entrance examination, pursuant to the notification. The petitioner wrongly mentioned in the column namely category as UR (unreserved), contrary to the fact that she belongs to the community which has been classified as other backward class (OBC). Though, the petitioner's certificate would disclose that she belongs to OBC, because of the mistake committed by her, inadvertently, she has been treated under UR (unreserved) category. The petitioner secured 128 marks out of 720 in the NEET entrance examination and according to her the cut off mark for OBC is 130-107. If, the petitioner is treated under OBC category, she is eligible to get medical seat. Therefore, the petitioner has come before this court, seeking a direction to treat the petitioner as OBC, and not in the category of UR (unreserved) as wrongly mentioned by her.

3. Heard the learned counsel for the petitioner and Mr.G.Nagarajan, learned counsel appearing for the first respondent, Mr.V.P.Raman, learned counsel appearing for the third respondent and Mr.V.Ananthamoorthy, learned counsel appearing for respondents 2 and 4.

4. The learned counsel for respondents 2 and 4 would submit that it is the information given by the petitioner that she belongs to unreserved category and based on that only, she was treated under the unreserved category.

5. It is true that the petitioner applied under the unreserved category. The explanation given by the petitioner is that without properly going through the online application, she wrongly quoted as unreserved. The mistake committed by the petitioner appears to be due to inadvertence. The community

certificate issued by the revenue authorities dated 19.07.2013 and the transfer certificate issued by the School on 17.05.2017 and OBC certificate issued on 25.05.2017 would undoubtedly confirm the contention of the petitioner that she belongs to OBC.

6. To err is human and an inadvertent mistake committed by a child, who just finished +2, cannot be employed against her interest, especially when the documents are otherwise. Therefore, this Court has got no hesitation to direct the 2nd and 4th respondents to treat the petitioner under the OBC category, on submission of relevant original documents to the 4th respondent, within one week from the date of receipt of a copy of this order. The exercise has to be complied with, at the earliest, as, so far, rank list has not been published and counselling has not yet commenced.

With the above observations, this petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

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To

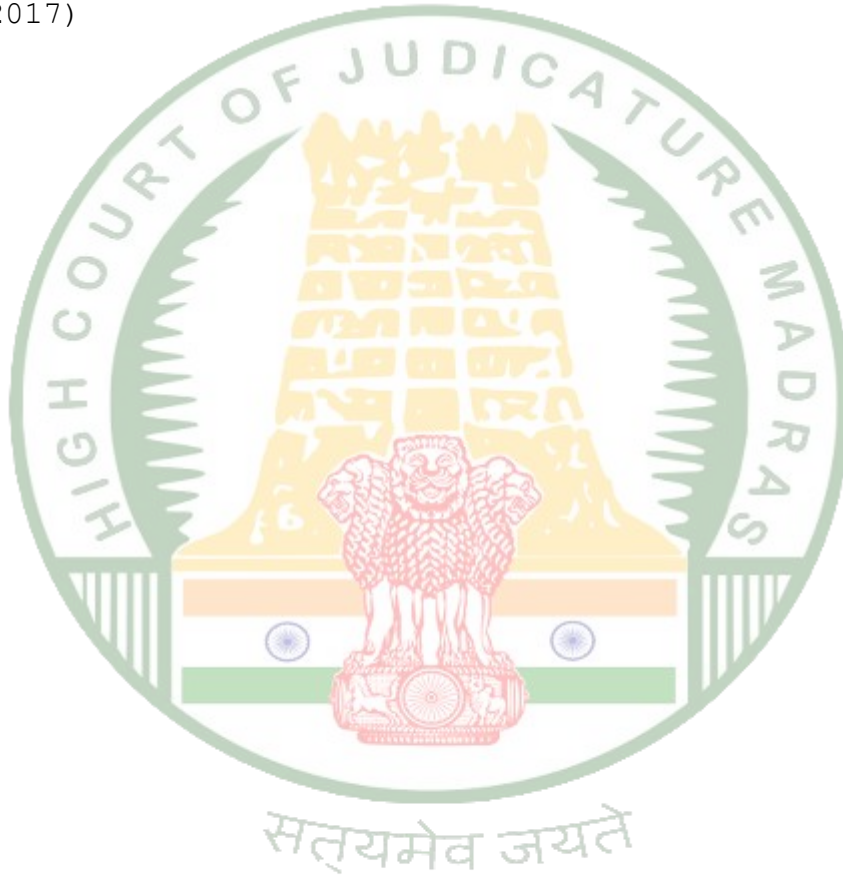
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+1cc to M/S.G.Nagarajan, Advocate Sr. 49835
+1cc to M/S.V.P.Raman, Advocate Sr. 49654
+1cc to M/S.N. Damodaran, Advocate Sr. 49630

W.P.No.16706 OF 2017

CP (CO)
VR(17/07/2017)



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