



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.10.2017

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.(MD)Nos.18524 and 18525 of 2017

and

W.M.P(MD) Nos.14934 and 14935 of 2017

J.Rajalakshmi

Minor represented by her natural guardian & father Jeyasankar
... Petitioner in W.P.(MD)No.18524 of 2017

S.Sharu Niveda

Minor represented by her natural guardian & father
Sankaranarayanan ... Petitioner in W.P.(MD)No.18525 of 2017

Vs.

1.The Central Board of Secondary Education,
Rep. by its Chairman
Shiksha Kedra, 2 Community Centre,
Preet Vihar, New Delhi - 110 301.

2.The Secretary
Dental Council of India,
Aiwan-E-Galib Marg,
Kotla Road, Temple Lane, New Delhi - 110 002.

3.The Secretary,
Selection Committee,
Directorate of Medical Education,
No.162, Periyar E.V.R. High Road,
Kilpauk, Chennai - 600 010.

4.The Tamil Nadu M.G.R. Medical University,
Rep. by its Secretary,
No.914, Poonamallee High Road,
Arumbakkam, Chennai.

5.Best Dental Science College
Ultra Trust,
Rep. by its Principal,
No.69/1A, Ultra Nagar,
Madurai - 625 104.

... Respondents in both petitions

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and consequently direct the respondents not to cancel the petitioner's admission to the fifth respondent College.

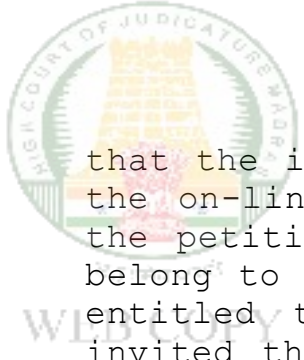
For Petitioners : Mr.S.Vinod Sathya Lazar
For R.3 & R.4 : Mr.T.S.Mohammed Mohideen
Additional Government Pleader
For R.5 : Mr.S.Anwar Sameem

ORDER

By consent, these Writ Petitions itself are taken up for final disposal.

2. Mr.T.S.Mohammed Mohideen, learned Additional Government Pleader takes notice for the respondents 3 and 4. Mr.S.Anwar Sameem, learned Counsel takes notice for the fifth respondent. Notice to R1 & R2 is dispensed with, as no adverse order is going to be passed against them.

<https://hcservicescourts.gov/in/hcservices/>



4. The learned Counsel for the petitioners submitted that the inadvertent mistake has been committed during filling of the on-line application form and the same cannot be put against the petitioners, when the records indicate that the petitioners belong to Most Backward and Backward Classes respectively and are entitled to protection under State reservation. He has also invited this Court's attention to an order passed in WP.No.17400 of 2017, dated 12.07.2017, arising out of similar facts.

5. Heard the learned Counsel appearing on either side.

6. It is not in dispute that the petitioners, while making the on-line application for the NEET examination, have referred the category as UR (Unreserved), instead of OBC (Other Backward Class). It is stated that they have inadvertently made such mistake, when the fact remains that they belong to Most Backward Class and Backward Class. In support of their contention, they relied on the Community Certificates issued by the Competent Revenue Officials. Perusal of the said certificates made available in the typed set of papers would indicate that the petitioners belong to Most Backward Class (DNC) and Backward Class Community. Therefore, it is evident that the petitioners have wrongly referred the category in the on-line application, while submitting for NEET examination.

7. Accordingly, these Writ petitions are disposed of, by directing the petitioners to approach the third respondent and place the relevant materials viz., Community Certificate and Transfer Certificate, indicating their Community status, immediately on receipt of the order of this Court. On receipt of such request of the petitioners with necessary documents as stated supra, the third respondent shall consider the claim of the petitioners and treat them as Most Backward Class Community and Backward Class Community in the admission to the MBBS/BDS Course. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(Crl.Side)

/True Copy/

Sub Assistant Registrar.

To:

1.The Chairman,
The Central Board of Secondary Education,
Shiksha Kedra, 2 Community Centre,

Post Bag No. 1, New Delhi - 110 301.



2.The Secretary

Dental Council of India,
Aiwan-E-Galib Marg,
Kotla Road, Temple Lane, New Delhi - 110 002.

3.The Secretary,

Selection Committee,
Directorate of Medical Education,
No.162, Periyar E.V.R. High Road,
Kilpauk, Chennai - 600 010.

4.The Secretary,

The Tamil Nadu M.G.R. Medical University,
No.914, Poonamallee High Road,
Arumbakkam, Chennai.

+2CC to Mr.T.Antony Arul Raj, Advocate, SR.No. 82009, 82010

+2CC to Mr.S.Vinod Sathya Lazar, Advocate, SR.No.81741, 81742

+1CC to the Special Government Pleader SR.No.81778

W.P. (MD) Nos.18524 and 18525 of 2017
05.10.2017

rm/ar

AM/SV MMS/SAR 4/09.10.2017/4P/10C