

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.02.2018

CORAM

THE HONOURABLE MR. JUSTICE K.KALYANASUNDARAM

WP.No.3167 of 2018
and W.M.P.No.3884 of 2018

Dr.M.Amrita

...Petitioner

Vs.

1. National Board of Examinations (NBE),
NEET PG 2018, Represented by its Secretary,
Medical Enclave, Ansari Nagar,
Mahatma Gandhi Marg (Ring Road),
New Delhi - 110 029.
 2. Directorate General of Health Services,
Represented by its Secretary,
Ministry of Health and Family Welfare,
Government of India, Nirman Bhawan,
Maulana Azad Road, New Delhi - 110 108.
 3. Medical Counseling Committee,
NEET PG 2018, Directorate General of Health Services,
Ministry of Health and Family Welfare,
Government of India, Nirman Bhawan,
Maulana Azad Road, New Delhi - 110 011.
 4. The Medical Council of India,
Represented by its Secretary,
Pocket-14, Sector-8,
Dwarka, Phase I, New Delhi - 110 077.
 5. The Selection Committee,
NEET PG 2018, Directorate of Medical Education,
Government of Tamil Nadu,
Kilpauk, Chennai - 600 010.
- ...Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the respondents to treat the petitioner as a candidate belonging to OBC (Other Backward Class) category instead of General or UR (Unreserved) category in NEET PG 2018, for all purposes, including declaration of merit list, rank, counselling, admission, etc.

For Petitioner : M/s.Arun Anbumani
For Respondents 2 & 3 : Mr.J.Madana Gopal Rao, CGSC

ORDER

The petitioner has come forward with the present writ petition seeking for issuance of a writ of mandamus to direct the respondents to treat the petitioner as a candidate belonging to OBC (Other Backward Class) category instead of General or UR (Unreserved) category in NEET PG 2018, for all purposes, including declaration of merit list, rank, counselling, admission, etc.

2. By consent of both sides, the writ petition is taken up for final disposal.

3. The case of the petitioner is that she belongs to Hindu Telugu Chetty Community recognised as Backward Class. The petitioner completed her MBBS Degree Course in Madha Medical College and Research Institute, Kancheepuram, in the month of March 2017 and secured distinction in 7 subjects in the M.B.B.S. Degree Course. After completing her MBBS Degree Course, she has registered her name with the Tamil Nadu Medical Council on 25.05.2017 with Registration No.124011.

4. The further case of the petitioner is that she applied for and appeared in the National Eligibility cum Entrance Test (NEET) for the Post Graduate Diploma Courses conducted by the 1st respondent, and the petitioner was assigned Roll No.1805023738 and I.D.No. 5555044268 and she appeared for the NEET examination on 07.01.2018.

5. The grievance of the petitioner is that while filling up the NEET on-line application form, for the said entrance test, she chose UR (Unreserved) or General Category instead of OBC Category, since the NEET on-line application did not contain B.C. Category. According to the petitioner, she belonged to OBC Category and obtained certificate from the concerned Tahsildar. The NEET PG 2018 results were published in the website by the 1st respondent and the petitioner has scored 370 marks. The cut-off scores for Unreserved or General Category was 321 and for OBC Category was 281. If the ranking is declared on the basis of the Unreserved or General Category, due to the mistake committed by the petitioner, she will lose an opportunity of getting Post Graduate admission in the best available institution. Hence, she has sent a representation dated 02.02.2018 to the respondents, since no proper response, the present writ petition.

6. Heard the learned counsel for the petitioner and the learned Central Government Standing Counsel appearing for the respondents 2 and 3.

7. It is not in dispute that the petitioner while making the on-line application for the NEET examination has referred the category as UR (Unreserved), instead of OBC (Other Backward Class). It is stated that the petitioner has inadvertently made such mistake, when the fact remains that she belongs to Backward Class. In support of her contention, the petitioner relied on the Community Certificate issued by the competent Revenue Official. Perusal of the said certificate made available in the typed set of papers would indicate that the petitioner belongs to Backward Class community.

8. Therefore, it is evident that the petitioner has inadvertently referred the category wrongly in the on-line application, while submitting for NEET examination. When the petitioner belongs to Backward Class community and the overwhelming documents are there in support of such claim, I do not think that she can be denied an opportunity to get admission under the reserved category for Backward Class community, only because she has referred to the category as Unreserved or General category in the on-line application. Since the merit list has not been issued so far and the counselling has also not taken place, I am of the view that no prejudice would be caused, if the respondents are directed to consider the claim of the petitioner and treat her as Backward Class community, while considering her application for admission to Post Graduation in Medicine based on the marks obtained in the NEET examination.

9. Accordingly, this writ petition is disposed of, by directing the petitioner to approach the second respondent and place the relevant materials viz., Community Certificate and Transfer Certificate, indicating her community status, immediately on receipt of the order of this Court. On such compliance, the second respondent shall consider the claim of the petitioner on merits and treat her as other Backward Class community, while considering for admission to the the Post Graduation in Medicine. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-IX)

//True Copy//

Sub Assistant Registrar

pvs

To

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NEET PG 2018, Represented by its Secretary,
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+1cc to Mr.J.MADANAGOPAL RAO, Advocate, S.R.No. 10828

+3cc to Mr.ARUN ANBUMANI Advocate, S.R.No. 10820

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TR(13/02/2018)

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