

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.04.2018

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THE HON'BLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.10358 of 2018
and W.M.P.Nos.12329 and 12330 of 2018

S.Kalimuthu Mylavan ... Petitioner

-vs-

1. Central Board of Secondary Education (CBSE)
National Eligibility cum Entrance Test Unit
Shiksha Kendra, Community Centre,
Preet Vihar, Delhi-110 092.
2. The Director,
Public Health and Preventive Medicine
Directorate of Health Services,
359, Anna Salai, Teynampet,
Chennai-600 006. ... Respondents

Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorarified Mandamus calling for the records in issuance of the Public Notice No.CBSE/NEET/2018 dated 18.04.2018 on the file of the first respondent and quash the same and thereby directing the first respondent to re-allot the examination centres for the Tamil Nadu NEET candidates within the NEET examination centres nearest to their residence situated within the State of Tamil Nadu who were preferred their choice of examination centres in Tamil Nadu in their NEET application.

For Petitioner :: Mr.R.Thiyagarajan, Sr.Counsel
for Mr.A.Kalaivanan

For Respondents :: Mr.G.Nagaraj,
Standing Counsel for CBSE for R1

Mr.P.S.Sivashanmugasundaram,
Spl.GP for R2

ORDER
(Made by HULUVADI G.RAMESH, J.)

The writ petitioner has come forward with this writ petition as a pro bono publico to direct the first respondent-Central Board of Secondary Education to re-allot the examination centres for the Tamil Nadu NEET candidates within the NEET examination centres nearest to their residence situated within the State of Tamil Nadu who have preferred their choice of examination centres in Tamil Nadu in their NEET applications.

2.It is stated in the affidavit filed in support of this writ petition that the National Eligibility cum Entrance Test or NEET-UG which is an entrance examination for admission to MBBS / BDS / Postgraduate Course (MD/MS) in India in Medical / Medical colleges run with the approval of Medical Council of India / Dental Council of India under the Union Ministry of Health and Family Welfare, Government of India, is conducted in the country by the first respondent and the counselling related formalities for the State of Tamil Nadu is under the charge of the second respondent herein. The first respondent has issued Information Bulletin for conducting the NEET examination for the session 2018-19 by fixing the date of NEET examination on 06.05.2018 and in pursuant to the same, the candidates who are willing to appear for the NEET examination have applied as per the procedure set out in Chapter 4 of the Information Bulletin issued by the first respondent and the eligible candidates' provisional admit card (hall tickets) were uploaded in the website of the first respondent. On downloading the hall tickets, it was shocked to note that the examination centres to some of the candidates were allotted in other states and not as per their choice of the examination centre, situated within the state of residence as mentioned in their applications.

3.It is also stated that while applying for the said examination, for allotment of examination centres, the candidates are required to prefer three examination centres of their choice. Mostly, the candidates have chosen those three examination centres situated nearby their locality in their respective state of residence. But as per the instructions issued by the first respondent for conducting the examinations in the Information Bulletin for the session 2018-2019, Clause 4 (c) of Chapter 2 states that the candidates must ensure that they should select the centre in their state of residence or in neighbouring city only and not in far away cities in other States, but Clause 4(g) of Chapter 2 states that the Board reserves its discretion to allot a centre other than the candidates' choice. Clause 4(h) says that allotment of centre is made by computer and there is no human intervention and the

choice once allotted cannot be changed under any circumstances.

4. When this is the circumstances prevailing, it is stated that the first respondent has allotted the examination centres which are situated in other States and not in the respective state of residence for some of the candidates. The candidates residing in the southern Districts of Tamil Nadu, ie, from Tirunelveli, Thoothukudi, Nagercoil and Trichy Districts are allotted the centres in Ernakulam, which is in Kerala State. Even though there are 10 NEET centres in Tamil Nadu, viz. Chennai, Coimbatore, Kancheepuram, Madurai, Namakkal, Salem, Thiruvallur, Tiruchirappalli Tirunelveli and Vellore, and the number of examination centres are very much available in the respective candidates' state of residence, they were allotted centres in Kerala and Rajasthan States. Because of this type of allotment of centres, the candidates, who are all minors, aged only 17 years, will find it very difficult to travel alone for such a long distance from their residence. Further, they have to find out accommodation in the place of examination. Most of the candidates are from rural areas in various Districts of Tamil Nadu mostly from poor background and hence they cannot afford to travel for such a long distance for appearing in the examinations.

5. With the above background, the petitioner has come up with this writ petition as a Public Interest Litigation to quash the impugned Public Notice issued by the first respondent and for a direction to re-allot the examination centres for the concerned candidates.

6. Reiterating the averments made in the affidavit, the learned senior counsel for the petitioner has prayed for a direction to the first respondent to re-allot the examination centres, facilitating the candidates residing in Tamil Nadu, at least to write the examinations in their State.

7. The learned standing counsel for the first respondent has filed written comments in respect of the issue on hand, in which it is stated that all the preparations to conduct the examination have been completed, centre material has been sent to the examination centres, roll numbers have been generated and issued and all the officials and observers have been issued the duty places and all preparations for performing the journey have been completed. It is also stated that as per the conditions framed under Clause 4 of Chapter 2, the Board has allotted the cities to the candidates and now no change can be made. Reiterating the same, the learned standing counsel for the first respondent prayed that at this point of time, the change of examination centres need not be entertained.

8.Mr.P.S.Sivashanmugasundaram, learned Special Government Pleader, takes notice for the second respondent.

9.Heard the learned counsel on either side and perused the materials available on record.

10.We have perused the Information Bulletin issued by the first respondent. Clause 4 of Chapter 2 of the Information Bulletin relates to centres for Entrance Examination to be conducted. Clause 4(g) of the Information Bulletin states that though every effort will be made to allot a centre in one of the city selected by the candidate, yet the Board reserves it discretion to allot a centre other than the candidate's choice. Thus, a discretion is vested with the Board for allotment of examination centres. If the candidate is not provided the option that they made while making the application form, necessarily discretion has to be exercised by the first respondent. In that process, what we have seen is that for some of the candidates, examination centres been allotted in Rajasthan and for some of the candidates examination centres have been allotted in Kerala. This act of the first respondent would amount to financial burden on each of the candidates. The authorities, as far as possible, should provide centres to the candidates as per their choice, i.e., the centres which are nearby to their residence, or at least in the adjacent Districts. Necessarily, it should be within the State of Tamil Nadu and not far-off places.

11.Because of allotment of centres in other states, the candidates will have to travel a long distance and they will be financial implications on those candidates. It appears that many candidates who have applied are from rural areas who may not be able to afford for travelling and for accommodation. Further, as rightly stated by the learned senior counsel for the petitioner, safety is the most important aspect in this regard.

12.In view of the above stated circumstances, we hereby pass the following order:

(a)In respect of candidates who have been allotted examination centres in Kerala / Rajasthan or other far-away places in other States, as per the discretion vested with the first respondent as per Clause 4(g) of Chapter 2 of the Information Bulletin, the same has to be exercised by the first respondent in a reasonable manner to allot examination centres for those candidates, to write their examinations nearby to their place of residence, or the adjacent Districts or at least within the State of Tamil Nadu, at the earliest.

(b)The revised allotment of examination centres for shall be intimated to the candidates by the first respondent Central Board of Secondary Education, on its own choice in the manner

known to law, like publishing the same in the website, publication of notice in newspapers etc.

(c)The candidates for whom the examination centres are allotted in other States, are permitted to approach the local NEET examination centres and get re-allotment of their centres, at the earliest. On such representation, the same shall be considered by the authorities in a proper manner and as directed above, details of revised examination centres shall be published in the manner known to law.

13.The writ petition is disposed of accordingly. No costs. Consequently the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To

1. Central Board of Secondary Education (CBSE)
National Eligibility cum Entrance Test Unit
Shiksha Kendra, Community Centre,
Preet Vihar, Delhi-110 092.

2. The Director,
Public Health and Preventive Medicine
Directorate of Health Services,
359, Anna Salai, Teynampet,
Chennai-600 006.

+1cc to Mr.G.Nagarajan, Advocate, S.R.No.31670

+1cc to Mr.A.Kalaivanan, Advocate, S.R.No.31822

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W.P.No.10358 of 2018

W.M.P.Nos.12329

and 12330 of 2018

RRK(28/04/2018)+1cc to Mr.G.Nagarajan, Advocate, S.R.No.31670