

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 04.07.2018
CORAM:
THE HONOURABLE MR. JUSTICE S.VAIDYANATHAN

WRIT PETITION No.16446 of 2018

Havishiya, A.

... Petitioner

vs.

1. State of Tamil Nadu,
rep. by its Secretary to Government,
Health and Family Welfare Department,
Fort St. George,
Chennai 600 009.
 2. The Directorate of Medical Education,
rep. by its Secretary,
Selection Committee,
No.162, Periyar EVR High Road,
Kilpauk, Chennai 600 010.
 3. The Medical Council of India,
rep. by its Secretary,
Dwaraka, New Delhi.
- Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of certiorarified mandamus, calling for the records of the 2nd Respondent pertaining to the MBBS/BDS Courses 2018-2019 Sessions (Government Quota) Provisional Rank List published on 28.06.2018 through the website, quash the same insofar as the Petitioner's ranking is concerned and direct the Respondents to place the Petitioner under the BC category in the impugned Rank list dated 28.06.2018 and allot her appropriate rank under the Community Rank List in the same and thereby enable her to participate in the counselling for admission as a BC category candidate.

For Petitioner : Mr.B.Mohan

For Respondents 1 & 2 : Mr.C.Manishankar,
Additional Advocate General
assisted by
Mrs.V.Annalakshmi,
Government Advocate

For 3rd Respondent : Mr.V.P.Raman

O R D E R

Petitioner has come up with the present Writ Petition seeking to call for the records of the 2nd Respondent pertaining to the MBBS/BDS Courses 2018-2019 Sessions (Government Quota) Provisional Rank List published on 28.06.2018 through the website and quash the same insofar as her ranking is concerned and for a direction to the Respondents to place her under BC category in the impugned Rank list dated 28.06.2018 and allot her appropriate rank under the Community Rank List in the same and thereby enable her to participate in the counselling for admission as a BC category candidate.

2. According to the Petitioner, she is a native of Nagercoil and belongs to Chakkala Community, which is classified under Backward category. She completed her Higher Secondary course during the academic year 2017-2018 and secured an overall percentage of 93.5%. Thereafter, she appeared for the National Eligibility cum Entrance Test - UG (NEET-UG) for the year 2017-18, in which, she scored 217. However, that score was not sufficient to secure a seat under Government Quota in the M.B.B.S. Course and hence, she opted out of the selection for the year 2017.

3. It is further stated by the Petitioner that she appeared for NEET-UG Exam 2018-2019 held on 06.05.2018 and scored 342, which is significantly higher than her previous year's score of 217. Thereafter, she applied for MBBS/BDS course in Tamil Nadu in the prescribed format enclosing all the necessary documents including Certificates relating to her Education, Community, Nativity, Mark Sheets, etc. On 28.06.2018, the 2nd Respondent published the Provisional Rank List for MBBS/BDS Courses 2018-2019 on its website and the Petitioner was shocked to note that she was ranked at S.No.2872 in the General Ranking (GR) and placed in the Open Category (OC).

4. The case of the Petitioner is that she submitted a representation to the 2nd Respondent, requesting to rectify the anomaly and place her under BC category in the Rank List and allot her a ranking under the Community Rank List for the BC category also, so that she could appear as a BC category candidate for the counselling. It is her grievance that, if she had been allotted a Community Rank under the BC category, she would have been placed in the Community Rank List between the Ranks 1747 and 1769 under BC category, which would have greatly enhanced her chance of securing an MBBS Course seat under the Government Quota itself.

5. Today, it is represented by the learned Additional Advocate General appearing for Respondents 1 and 2 that the Petitioner can be permitted to participate in the Counselling.

6. In reply, learned counsel for the Petitioner submitted that counselling has been fixed on 05.07.2018 for 'Open Category' candidates and now, the Petitioner's candidature has been considered under 'BC' category.

7. Recording the submissions of the learned counsel on either side, this Writ Petition is closed. No costs. Consequently, connected W.M.P.Nos.19647 and 19648 of 2018 are closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

To:

1. State of Tamil Nadu,
rep. by its Secretary to Government,
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3. The Medical Council of India,
rep. by its Secretary,
Dwaraka, New Delhi.

+1cc to Mr.B.Mohan, Advocate, S.R.No.43714

+1cc to Mr.V.P.Raman, Advocate, S.R.No.43935

W.P.No.16446 of 2018

GSP(06/07/2018)