

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.07.2018

CORAM:

THE HONOURABLE MR. JUSTICE S.VAIDYANATHAN

WRIT PETITION No.16616 of 2018

Aiswarya, S. (Minor)
rep. by her father and natural guardian
K.Surendran

...Petitioner

Vs.

The Selection Committee,
Directorate of Medical Education,
Kilpauk, Chennai 600 010. ... Respondent

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus, directing the Respondent to consider the name of the Petitioner's daughter S.Aiswarya's candidature for admission to MBBS-BDS for the year 2018-2019 under "BC" category in Government Colleges in the Counselling scheduled to be held on 04.07.2018 and/or on subsequent dates.

For Petitioner :Mr.Kalyanaraman
for M/s.Aiyar and Dolia

For Respondent :Mr.C.Manishankar,
Additional Advocate General
assisted by
Mr.T.N.Rajagopalan,
Government Pleader

O R D E R

Petitioner has come up with the present Writ Petition seeking a direction to the Respondents to consider his daughter viz. S.Aiswarya's candidature for admission to MBBS-BDS for the year 2018-2019 under "BC" category in Government Colleges in the Counselling scheduled to be held on 04.07.2018 and/or on subsequent dates.

2. According to the Petitioner, he belongs to Backward Class community and is a resident of Chennai for the past 18 years. His daughter did her Schooling at Asan Memorial Senior Secondary School, Chennai, affiliated to Central Board of Secondary Education, from L.K.G. to Standard XII. It is further

stated by the Petitioner that his daughter applied for NEET-2018 and in the application form, due to oversight and inadvertence, in the address column, he mentioned his father-in-law's address in Kerala. On the basis of the application submitted by the Petitioner's daughter, Hall Ticket was issued to her for NEET examination held on 06.05.2018; Results were published on 04.06.2018 and his daughter scored 385 out of 720 with percentile score of 92.92356. Further, on the basis of NEET results, the Respondent herein released provisional rank list for MBBS/BDS courses 2018-2019 session (Government Quota). In the said Rank list, his daughter was ranked 1618. However, under the column "Community", she was shown as "Open Category" on the basis of the address entered in the Application and also in the Hall Ticket that she is a resident of Kerala. The Petitioner also stated that he has Voter ID Card and Ration Card in his name and that his daughter possesses Aadhar Card showing the present address, where they are residing.

3. The case of the Petitioner is that due to oversight and inadvertence, he had wrongly entered Kerala address in the application form and that his daughter is eligible to be considered for admission to MBBS/BDS Course for the year 2018-2019 under "BC" category.

4. Though counter is not filed by the Respondents, learned Government Pleader appearing for the Respondent drew the attention of this Court to clause 3 of the Prospectus and stated that the case of the Petitioner has been considered under "Open Category". It is his contention that as the Petitioner's daughter has applied for NEET as a person residing in other State, she cannot claim nativity of Tamil Nadu.

5. Heard the learned counsel for the parties. It is seen from the NEET Application that the Petitioner's daughter has mentioned her Nativity as Tamil Nadu. Merely because the Petitioner has given his father-in-law's address in Kerala as address for communication, that will not take away the rights of his daughter, as she did her entire Schooling in Tamil Nadu. Moreover, it is seen that the Petitioner is a resident of Tamil Nadu for the past 18 years. The Petitioner has also produced a copy of the Rental Agreement entered into between him and his Landlord to show that he is residing in Chennai from the year 2002.

6. In any event, de hors the Rental Agreement and Aadhar Card, the fact that the Petitioner's daughter did her entire schooling in Tamil Nadu from LKG to Standard XII cannot be lost sight of. Also, the Petitioner's daughter cannot be construed as a native of Kerala for the reason that her address of communication has been marked as Kerala and the same cannot deprive her from attending the Counselling under "BC" category.

7. In view of the above, the Respondent is directed to permit the Petitioner's daughter viz. S.Aiswarya to attend the Counselling for admission to MBBS/BDS Course under "BC" category.

The Writ Petition is allowed to the extent indicated above. No costs. Consequently, connected W.M.P.No.19784 of 2018 is closed.

s/d-
Assistant Registrar(CS-V)

True Copy

Sub-Assistant Registrar

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To:

The Selection Committee,
Directorate of Medical Education,
Kilpauk,
Chennai 600 010

+1 CC to M/s.Aiyar and Dolia, Advocate sr 44449(13/07/2018)

W.P.No.16616 of 2018

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