

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.07.2018

CORAM:

THE HONOURABLE MR. JUSTICE S.VAIDYANATHAN

WRIT PETITION No.16768 of 2018

Sivakami, S.

... Petitioner

vs.

1. Central Board of Secondary Education,
rep. By Joint Secretary,
National Eligibility cum Entrance Test (UG) 2017,
Shiksha Kendra-2, Community Centre,
Preet Vihar, Delhi - 110 092.
 2. The Director,
Selection Committee,
Directorate of Medical Education,
No.162, Periyar E.V.R. High Road,
Kilpauk, Chennai 600 010.
 3. The Medical Council of India,
rep. By Secretary,
Pocket No.14, Sector 8,
Dwaraka Phase I,
New Delhi - 110 077.
- ... 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 herein in respect of clauses 3(c), (g) and (h) of the Prospectus for MBBS Course 2018-2019 and quash the same and consequently direct the 2nd Respondent herein to consider the Petitioner's application dated 18.06.2018 submitted for selection of MBBS Course without reference to clauses 3(c), (g) and (h) of the Prospectus 2018-2019.

For Petitioner	:	Mr.Abdul Hadi
For 1st Respondent	:	Mr.G.Nagarajan
For 2nd Respondent	:	Mrs.V.Annalakshmi, Government Advocate
For 3 rd Respondent	:	Mr.V.P.Raman

O R D E R

Petitioner has come up with this Writ Petition seeking to quash Clauses 3(c), (g) and (h) of the Prospectus for MBBS Course 2018-2019 and consequently direct the 2nd Respondent herein to consider her application dated 18.06.2018 submitted

for selection of MBBS Course without reference to clauses 3(C), (g) and (h) of the Prospectus 2018-2019.

2. According to the Petitioner, she did her schooling till 10th Standard in Tamil Nadu and Standards XI and XII at Jamnagar and secured 94.4% marks in Standard XII. She appeared for National Eligibility-cum-Entrance Test in May 2018 at Rajkot, Gujarat and secured 398 marks. It is her case that she is a native of Tamil Nadu, satisfying the requirement of clause 3(f) of the Prospectus for MBBS Course 2018-2019.

3. It is further stated by the Petitioner that she was under the bonafide impression that the Clauses which were published in the Prospectus for the year 2017-18 will be retained and hence, she would be eligible to be qualified as a candidate of Tamil Nadu, as she had satisfied Clause 3(f). She contended that the introduction of Clause 3(h) in the Prospectus for the year 2018-19 is not in accordance with law and against the provisions of Article 21, 21A and 14 of the Constitution of India.

4. Heard the learned counsel on either side and perused the material documents available on record.

5. Clause 3(h) of the Prospectus for the academic year 2018-19 is clear to the effect that the candidate should have applied for NEET UG-2018, as a candidate of Tamil Nadu. In the case on hand, though the Petitioner claims to be a native of Tamil Nadu and has also produced her Nativity Certificate along with certain requisite documents, admittedly, she appeared for NEET UG-2018 in Rajkot, Gujarat. Hence, the Petitioner's application cannot be considered in terms of Clause 3(h) of the Prospectus for 2018-2019.

6. Effecting changes in the Prospectus is based on the Policy Decision of the Government and it cannot be interfered with, unless and until, it is malafide and contrary to the statutory provisions.

The Writ Petition stands dismissed with the above observation. No costs. Consequently, connected W.M.P.No.19950 & 19951 of 2018 are closed.

Sd/-

Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

(aeb)

To:

1. The Joint Secretary,
Central Board of Secondary Education,
National Eligibility cum Entrance Test (UG) 2017,
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Pocket No.14, Sector 8,
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New Delhi - 110 077.

+1cc to Mr.AL.GANDHIMATHI, Advocate, S.R.No.44672

+1cc to Mr.V.P.RAMAN, Advocate, S.R.No. 44737

+1cc to the Government Pleader, S.R.No. 44924

Order in
W.P.No.16768 of 2018

CA(CO)
TR(01/08/2018)



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