

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.07.2018

CORAM:

THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.16805 of 2018

Daiwa Ayyappan

.. Petitioner

Vs.

1. State of Tamil Nadu,
Represented by its Principal Secretary,
Health Department,
Secretariat, Chennai-600 009.
2. The Secretary,
Selection Committee,
Directorate of Medical Education,
No.162, Periyar EVR Road,
Kilpauk, Chennai-600 010.
3. The Medical Council of India,
Represented by its Secretary,
Pocket-14, Sector-8,
Dwaraka Phase-I,
New Delhi-110 077.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the second respondent herein to place the name of the petitioner in the NEET rank list for the academic year 2018-2019 and consequently permit the petitioner to attend the NEET Counselling Session for the academic year 2018-2019.

For Petitioner : Mr.S.R.Raghunathan

For Respondent : Mr.C.Munusamy, Spl.G.P. for RR-1 and 2
Mr.V.P.Raman for R-3

ORDER

The petitioner has come forward with the above Writ Petition praying for issuance of a Writ of Mandamus to direct the second respondent herein to place the name of the petitioner in the NEET rank list for the academic year 2018-2019 and consequently permit the petitioner to attend the NEET Counselling Session for the academic year 2018-2019.

2. The case of the petitioner is that the petitioner studied in Kerala from I Std. to VIII Std. and studied XI and XII Std. in Tamil Nadu. The petitioner stated that necessary documents have been enclosed along with the application form for counselling and that the petitioner has produced his father's Income Certificate and also Aadhar details, apart from Community Certificate. It is further stated that the Nativity Certificate dated 29.06.2018 was also given. However, the candidature of the petitioner has not been considered in the SC category, to which the petitioner belongs to, but his candidature has been considered in OC category.

3. Learned Government Advocate appearing for respondents 1 and 2, on instructions, submitted that in terms of Clause 3 of the Prospectus, the petitioner will have to enclose the necessary details including the Nativity Certificate and the petitioner has not applied and submitted the application along with the Nativity Certificate and that he has produced the Nativity Certificate only after filing the application for counselling. The last date for submission of the application for counseling was on 15.06.2018. However, the petitioner's candidature in terms of the Prospectus, had been considered in the Open Category. At this juncture, it is relevant to quote Clause 3(f) and (j) of the Prospectus for admission to MBBS/BDS courses, as follows:

"3. Nativity:

.....
(f) Candidates who are Native of Tamil Nadu, but studied from VI to Standard XII outside Tamil Nadu either partly or completely in one or more States should produce the true copies of their parent's certificates such as Birth Certificate / SSLC / 10th / 12th / Degree / Diploma / Professional Course and Ration Card / Passport to substantiate their place of birth in Tamil Nadu, to establish the relationship between the parent and the candidate along with the Nativity Certificate of the candidate. Otherwise, they will be considered under Open Category.

(g) Other State candidates who are not native of Tamil Nadu should have studied Standard VI to Standard XII in Tamil Nadu will be treated as Open Category.

.. ..
(j) If the photocopies of the supporting documents are not produced, then the

application form will be summarily rejected."

4. From a reading of Clauses 3(f), (g) and (j) of the Prospectus extracted supra, it is clear that the petitioner will have to produce the Nativity Certificate along with the application, which has not been done by the petitioner. Hence, his application was not considered under the SC category, but however, his candidature has been considered in the OC category. The request of the petitioner that his candidature has got to be considered in SC and not in the OC category, cannot be accepted.

5. Hence, the Writ Petition is dismissed. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The Principal Secretary,
Health Department,
Secretariat, Chennai-600 009.
2. The Secretary,
Selection Committee,
Directorate of Medical Education,
No.162, Periyar EVR Road,
Kilpauk, Chennai-600 010.
3. The Medical Council of India,
Represented by its Secretary,
Pocket-14, Sector-8,
Dwaraka Phase-I,
New Delhi-110 077.

+1cc to MR.S.R.Ragunathan, Advocate Sr.No.43981
+1cc to Government Pleader Sr.No.44030

KS(CO)
sm:19.7.2018

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