

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.07.2018

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THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.16952 of 2018
and WMP.No.20161 of 2018

K.V.Akhilvaisakh

..Petitioner

Vs

1. The Director,
Directorate of Medical Education,
162, Periyar E.V.R. High Road,
Kilpauk, Chennai-600010.
2. The Selection Committee (NEET-UG)
Directorate of Medical Education,
162, Periyar E.V.R. High Road,
Kilpauk, Chennai-600010.
3. The Secretary,
The Selection Committee
(NEET-UG) Counseling
Government Multi Speciality Hospital
Omandurar Government Estate,
Chennai-600 002.
4. The Medical Council of India
Represented by its Secretary,
Pocket-14, Sector-8,
Dwarka, Phase-I,
New Delhi -110077.

.. Respondents

PRAYER :

Writ Petition is filed under Article 226 of Constitution of India praying to issue Writ of Mandamus, directing the respondents to consider the petitioner for admission to the MBBS Course in any of the Medical Colleges under Government quota in Tamil for the academic year 2018-19 the counseling conducted by the respondents 1 to 3.

For Petitioner : Mr.C.Harsha Raj for
M/s.Raj and Raj Associates

For Respondents: Mr.Manishankar, AAG
Assisted by
Mrs.V.Annalakshmi, GA -R1 to R3
Mr.V.P. Raman - For R4
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O R D E R

The petitioner has come forward with the present writ petition to issue writ of mandamus directing the respondents to consider the petitioner for admission to the MBBS Course in any of the Medical Colleges under Government quota in Tamil for the academic year 2018-19 the counseling conducted by the respondents 1 to 3.

2. The case of the petitioner is that his father is working in the Ordnance Factory, Trichy and belongs to Ezhavas and Thiyyas known as Thandan in the erstwhile Cochin and Malabar, which is classified as Backward Community in Kerala as well as in Tamil Nadu as Ezhavar. He studied upto 10th std at Kendra Vidyalaya at Ordnance Estate, Trichy and thereafter, he studied 11th Std and 12th Std at BVB Vidya Mandir, Eravimangalam, Trissur, Kerala.

3. He wrote NEET Examination last year and obtained 346 marks and stood at serial No.1509 in the General Ranking of the candidates in Tamil Nadu. He was called for counseling on 26.08.2017, even though the petitioner produced two community certificates one from the State of Kerala and the other from State of Tamil Nadu, the same was accepted. This time for the year 2018-19, the petitioner has written NEET Examination and secured 419 marks. He has submitted that in the Prospectus of this year, more particularly as per Clause 3, he would be entitled to consider his case.

4. The learned Additional Advocate General appearing for the respondents 1 to 3 would contend that the petitioner has not fulfilled the criteria and that he has produced two community certificates, one from the State of Kerala and the other from the State of Tamil Nadu. That being the case, when two certificates are produced, the genuineness of the certificates themselves is in question and the petitioner would not be entitled for any relief. He further contended that at the most, he can be considered for counseling as a candidate outside Tamil Nadu, even though he has not studied 6th Std to 10 Std in Tamil Nadu and 11th Std & 12th Std in Kerala.

5. Heard both sides and perused the materials available on record.

6. It appears that the petitioner belongs to Backward Community and he has produced two community certificates, one from Kerala and other from Tamil Nadu and as stated in the writ petition, the petitioner's father is employed in the State of Kerala and due to that, the petitioner went to Kerala for two years for the purpose of education. Baring two years, the petitioner resided in Tamil Nadu.

7. This Court had an occasion to consider the case of the petitioner who resided more than 5 years in the State of Tamil Nadu and hence, the petitioner's candidature can be considered as he has studied in Tamil Nadu from 1st Std to 10th Std and only for two years, he studied in Kerala and thereafter again continued his education and participated in the NEET Examination for the year 2017-18 and again in 2018-19. Hence, this Court is of the view that the respondents cannot reject the case of the petitioner, as the petitioner would be entitled to be considered under the Open Category, ignoring two so-called community certificates produced by the petitioner. The case of the petitioner is that his candidature may be considered under the open category and he has not claimed any relief based on the aforesaid community certificates produced by him.

8. Taking note of the facts and circumstances and the Prospectus, more particularly Clause (3), the petitioner would be entitled to be called for counseling under the Open Category, if he fulfills other requirements in terms of the Prospectus.

9. With the above observations, the Writ Petition stands disposed of. No Costs. Connected Miscellaneous Petition is also closed.

Sd/-

Deputy Registrar

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Sub Assistant Registrar

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To

1. The Director,
Directorate of Medical Education,
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Kilpauk, Chennai-600010.

2. The Selection Committee (NEET-UG)
Directorate of Medical Education,
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4. The Medical Council of India
Represented by its Secretary,
Pocket-14, Sector-8,
Dwarka, Phase-I,
New Delhi -110077

+1cc to M/s.Raj and Raj Associates, S.R.No.44193
+1cc to the Government Pleader, S.R.No.44911

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CS/26/07/18



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