

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.07.2018

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THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.17853 of 2018 and
WMP.Nos. 21150 and 21151 of 2018

Minor Ms.Gopika.M.

..Petitioner

Rep.by her father Mr.R. Manivelan

Vs

1. The Medical Council of India,
Rep. by its Secretary
Pocket-14, Sector-8,
Dwarka Phase -1,
New Delhi - 110077.
2. The State of Tamilnadu
Rep. by its Secretary to Government
Health and Family Welfare Department,
Secretariat, Chennai - 600 009.
3. Tamilnadu Medical Council
Rep. by its President
No.914, Poonamallee High Road,
Arumbakkam, Chennai.
4. Selection Committee,
Directorate of Medical Education,
Kilpauk, Chennai - 600 010.
5. The Tamil Nadu Dr.M.G.R. Medical University
Rep. by its Registrar,
No.69, Anna Salai, Guindy,
Chennai- 600 032.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to call for an interview for counselling to the MBBS course UG 2018-19 and select the petitioner in any one of the college wherein a student securing 335 marks in the NEET Examination is eligible, after verification of documents in terms of clause 3 (f) and (h) of Prospectus for Admission to MBBS/BDS Degree Courses, 2018-19.

For Petitioner : Mr.G.Ethirajulu
For Respondents : Mr.V.P.Raman (R1)
Mrs.V.Annalakshmi
Government Advocate (R2 to R4)
Mrs.P.Rajalakshmi (R5)

O R D E R

By consent of the learned counsel on either side, this Writ Petition is taken up for final hearing at the stage of admission itself.

2. The petitioner has come forward with this writ petition, seeking for a direction to the respondents to call her for an interview for counselling to the MBBS course UG 2018-19 and select her in any one of the colleges wherein a student securing 335 marks in the NEET Examination is eligible, after verification of documents in terms of clause 3 (f) and 3 (h) of the Prospectus for Admission to MBBS/BDS Degree Courses, 2018-19.

3. The case of the petitioner is that she has studied 6th standard to +2 standard in Karnataka State and also written the NEET Examination at Karnataka giving the place of nativity as Tamil Nadu. The petitioner also secured Nativity Certificate dated 21.05.2018 from the Tahsildhar, Marungapuri, Trichy District. The petitioner, after obtaining application Form for Admission to MBBS course from the office of the fourth respondent on 12.06.2018, submitted the same on 18.06.2018 to the fourth respondent, with relevant documents pertaining to the nativity of her father, school certificates and other related documents as per clause 3(f) and 3(h) of the Prospectus for admission to MBBS course for the year 2018-2019.

4. As the petitioner did not receive interview card for counselling to M.B.B.S course, which was held on 01.07.2018 to 09.07.2018, when she approached the fourth respondent, who informed that she will not be getting any interview card since she studied in Karnataka. Therefore, the petitioner met the fifth respondent on 10.07.2018 in person and requested to consider her for the on-going medical counselling. Since the fifth respondent refused to heed to the petitioner's request, she sent a notice to the fifth respondent via e-mail. Since, no action has been taken till date, the petitioner has come forward with this Writ Petition seeking for the aforesaid relief.

5. The learned counsel for the petitioner would submit that though the interview cards were sent to those candidates who secured less than 335 marks in the NEET examinations, the petitioner who has secured 335 marks has not been called for the interview for counselling to M.B.B.S. Course.

6. The learned Government Advocate appearing for the respondents 2 to 4 submitted that as per clause 3(f) and (h) of the prospectus for the admission to MBBS course UG 2018 for the year 2018-2019, the candidate has to produce true copies of their parents' certificates such as birth certificate /SSLC / 10th / 12th / Degree / Diploma/Professional Course and ration card/Passport to substantiate their place of birth in Tamilnadu and to establish the relationship between the parent and the candidate along with the nativity certificate of the candidate. But, the petitioner herein has produced only ration card and other documents were not produced and therefore his case has not been considered.

7. Heard both sides and perused the documents available on record.

8. For better appreciation of the case, Clause 3(f) of the prospectus for MBBS/BDS Course for 2018-19 reads as follows :

"(f) Candidates who are native of Tamilnadu, but studied from Standard VI to Standard XII outside Tamilnadu either partly or completely in one or more states should produce the true copies of their parents' certificates such as birth certificate/SSLC/10th/12th/Degree/Diploma/Professional Course and ration card/Passport to substantiate their place of birth in Tamilnadu 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.

(h) It is made clear that the candidate should have applied for NEET UG-2018 as a Candidate of Tamilnadu"

9. As per the above clause, the student will have to produce his nativity certificate and documents pertaining to parents. Admittedly, the petitioner has produced only the ration card, and other documents have not been produced. That apart, the petitioner has studied 6th Standard to 12th standard in Karnataka. As requisite documents were not produced along with the application, the case of the petitioner was not considered. Hence, this Court is of the view that there is no error on the part of the respondents in not considering the case of the petitioner.

10. In such view of the matter, the relief sought for by the petitioner cannot be granted. Hence, this Writ Petition is dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Deputy Registrar (CS)

//True Copy//

Sub Assistant Registrar

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To

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+ 1 cc to Government Pleader Sr.48054

W.P.No.17853 of 2018

(CS-DR)
EU(13/08/2018)