

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.09.2018

CORAM

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P.No.19003 of 2018
and W.M.P.No.22396 of 2018

S.Mohanraj

... Petitioner

Versus

- 1.The Director,
NEET Examination,
Shiksha Kendra,2,
Community Centre, Preet Vihar,
Delhi-110 092.
- 2.The Director General of Health Services,
Ministry of Health and Family Welfare,
Nirman Bhavan,
New Delhi-110 011.
- 3.The Medical Council of India,
Sector-8, Pocket 14, Phase-I,
Dwarka, New Delhi-110 077.
- 4.The Selection Committee,
Directorate of Medical Education,
Kilpauk,
Chennai-600 010.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the respondents 1 to 3 to declare that the petitioner passed in the National Eligibility cum Entrance Test UG-2018 under OBC category and consequently direct the 4th respondent to permit the petitioner to participate in the counselling for the medical courses MBBS/BDS-2018 of the Deemed Universities or Foreign studies under OBC category.

For Petitioner	: Mr. K.Balu
For R1 & R2	: No appearance
For R3	: Mr.V.P.Raman
For R4	: Mrs.V.Annalakshmi

O R D E R

This writ petition has been filed for issuance of a direction to the respondents 1 to 3 to declare that the petitioner passed the National Eligibility cum Entrance Test

(UG-2018) under OBC category and consequently, direct the the fourth respondent to permit the petitioner to participate in the counselling for the medical courses MBBS/BDS-2018 of the Deemed Universities or Foreign studies under OBC category.

2. The petitioner has completed his 12th standard in the month of March 2018. The petitioner states that he belongs to Hindu Vanniyakula shatriyar, which is recognised as Most Backward Community.

3. It is the case of the petitioner that he had applied for National Eligibility cum Entrance Test (UG-2018) conducted by the first respondent through on-line. It is stated that the petitioner has wrongly mentioned the category as Unreserved instead of OBC. It is further stated that due to the wrong entry of his communal status by mistake which was done inadvertently, he was not declared as passed though he has secured 100 out of 720 in the National Eligibility cum Entrance Test (UG-2018) under OBC category and the cut off mark for OBC is 96 to 118.

4. The grievance of the petitioner is that the mistake has to be corrected by the first respondent, so that, the petitioner will be given the platform to avail the higher studies. It is stated that the petitioner's right to get admission in the medical course is denied, because of the wrong entry as to the communal status of the petitioner. The petitioner states that he is entitled to consider his OBC category for admission to MBBS/BDS course.

5. The learned counsel for the petitioner states that the petitioner is not particular in getting any interim direction or direction in the main writ petition regarding admission to medical college. However, the petitioner's community status has to be corrected, so as to enable the petitioner to pursue other courses and for other purposes. For this purpose, learned counsel wanted only a direction to the respondents to consider petitioner's representation to be submitted.

6. Having regard to the limited scope of prayer that is now sought by the learned counsel appearing for the petitioner, this Court, without expressing any opinion on the merits of the case, is inclined to pass the following direction:

The petitioner is directed to submit a representation before the first respondent along with his proof of communal status and on receipt of such representation, the first respondent is directed to consider the same with regard to the change of category from Unreserved to OBC and pass appropriate orders on merits and in accordance with law, within a period of six weeks from the date of receipt of copy of this order.

7. With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is also closed.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

rpl

To

- 1.The Director,
NEET Examination,
Shiksha Kendra,2,
Community Centre, Preet Vihar,
Delhi-110 092.
 - 2.The Director General of Health Services,
Ministry of Health and Family Welfare,
Nirman Bhavan,
New Delhi-110 011.
 - 3.The Medical Council of Indi,
Sector-8, Pocket 14, Phase-I,
Dwarka, New Delhi-110 077.
 - 4.The Selection Committee,
Directorate of Medical Education,
Kilpauk,
Chennai-600 010.
- + 1 cc to Mr.K. Balu, Advocate Sr.63572
+ 1 cc to MR. V.P. Raman, Advocate Sr.63715
+ 1 cc to Mr. Government Pleader Sr.64187

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(CS-V)
EU(28/09/2018)

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