



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.07.2018

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WEB COPY

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD) No.13359 of 2018

and

W.M.P(MD) Nos.12169 and 12176 of 2018

Azhagappan

... Petitioner

Vs.

1.The Medical Council of India,
represented by its President,
New Delhi.

2.Medical Counseling Committee,
Director General of Health Service,
Ministry of Health and Family Welfare,
Government of India, Nirman Bhavan,
Maulana Azad Road, New Delhi.

3.The Chairman,
Central Board of Secondary Education,
New Delhi.

4.The Director,
National Eligibility Cum Entrance Test Unit,
C.B.S.E. Shiksha Kendra,
Z, Community Centre,
Preet Vihar, New Delhi.

... Respondents

PRAYER : Writ petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari Mandamus, to call for the records relating to the impugned non speaking order of rejection passed by the 4th respondent vide his proceedings Nil dated 07.06.2018 and quash the same as illegal and consequently may direct the respondents to give admission to petitioner's son A.Sai Rajendran in MBBS/BDS course under other Backward Class Community, if he is otherwise eligible.

For Petitioner : Mr.K.P.Narayanakumar

For RR1 & 2 : Mr.P.Subbiah

Central Government Standing Counsel
for Mr.V.Kathirvelan
Assistant Solicitor General

**ORDER**

The petitioner's son had obtained a Certificate certifying him to belong to Other Backward Classes (OBC). By the time he had received the Certificate, the results of the NEET UG Examinations had already been published and the ranks were also declared. At this juncture, the petitioner gave a representation to the respondent to consider him as a OBC candidate for the purpose of admission, based on his community certificate dated 14.06.2018.

2. Mr.P.Subbiah, learned Central Government Standing Counsel for Mr.V.Kathirvelan, learned Assistant Solicitor General appearing for the respondents 1 and 2 as well as Mr.S.Kadarkarai, learned counsel appearing for the respondents 3 and 4 submitted that the petitioner herein had declared his status as unreserved and though sufficient opportunity was given online to carry out any rectifications in the online applications, the petitioner had not utilized the same. The learned counsel further submitted that since the ranks have already been published and the results have already been declared on 04.06.2018, serious prejudice would be caused to all the candidates, if the petitioner's case is considered at such a belated stage.

3. I am in agreement with the submissions made by the learned Assistant Solicitor General.

4. Admittedly, the petitioner has obtained the Community Certificate only on 14.06.2018, which is much after the publication of the results on 04.06.2018. If the petitioner's case is even sympathetically considered, serious prejudice would be caused to the other students, whose ranks had already been declared. As such it would not be appropriate to consider the petitioner's case, even on sympathetic grounds.

5. Accordingly, the Writ Petition stands dismissed. In case, if there is any possibility for accommodating the petitioner's requests, the respondents may take a sympathetic view. In this connection, the petitioner's earlier representation dated 19.06.2018 shall be considered by the respondents, on its own merits as expeditiously as possible. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (Crl.Side)

/True Copy/



To

1.The President,
The Medical Council of India,
New Delhi.

2.Medical Counseling Committee,
Director General of Health Service,
Ministry of Health and Family Welfare,
Government of India, Nirman Bhavan,
Maulana Azad Road,
New Delhi.

+1CC to Mr.G.Nagarajan Advocate in SR.No.71871.

+2CC to Mr.P.Subbiah Advocate in SR.No.72112.

+1CC to Mr.K.P.Narayana Kumar Advocate in SR.No.72011.

SJI

DS/SV/SAR-2 :11.07.2018: 3P/7C

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