

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 25.06.2019

Coram:

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

W.P.No.17537 of 2019
& W.M.P.Nos.17018 & 17020 of 2019

M.Nivethitha,
D/o.K.Manikavasakam,
No.15, Venkatasabapathy Nagar,
Near Cheran Manager,
Coimbatore - 641 035. ... Petitioner

/versus/

1. State of Tamil Nadu,
Rep.by its Secretary to Government,
Health and Family Welfare Department,
Fort St.George,
Chennai - 600 009.
2. The Medical Council of India,
M.C.I.Building, Pocket-14,
Sector-8, Dwarka Phase-I,
New Delhi-110 077.
3. The Director of Medical Education,
No.162, Periyar EVR High Road,
Kilpauk, Chennai-600 010.
4. The Selection Committee,
O/o. The Directorate of Medical Education,
No.162, Periyar EVR High Road,
Kilpauk, Chennai-600 010.
5. The Director,
National Eligibility-cum-Entrance Test,
(NEET), Noida,
Uttarpradesh. ... Respondents

Prayer:- Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for records on the file of the 1st respondent issued on 07.06.2019, Heath and Family Welfare Department (as amended from time to time) and to Quash in so far as the paragraph 4(a) to Page No.12 is concerned and consequently direct the respondents to permit the petitioner to attend the

Counselling for MBBS/BDS course in Government Medical Colleges for the year 2019-2020 and consequently direct the respondents to grant admission to the petitioner for MBBS/BDS course in Government Medical College for the year 2019-2020.

For Petitioner : Mr.R.Chandrasekaran

For R1 & R3 : Mr.V.Kathirvelu,
Special Government Pleader

For R2 : Ms.Varsha Chandrasekar
for Mr.V.P.Raman

For R4 : Mr.Abdulsaleem

ORDER

Heard the Learned Counsel for the petitioner and the Learned Counsel for the respondents.

2. The petitioner herein, aggrieved by Clause 4(a) of the MBBS/BDS prospectus issued by the Selection Committee, Directorate of Medical Education, has approached this Court stating that the candidates, who has passed 10 +2 from Open School cannot be declared as Non-Eligible Candidate to apply for MBBS/BDS degree courses, since the courses offered by Open School is recognized by the Ministry of Human Resource, Government of India. The issue regarding eligibility of students who has pursued the course in National Institute of Open Schools (NIOS), was subject matter of the Writ Petition filed in various High Courts and presently the matter has seized of by the Hon'ble Supreme Court in SLP.No.21720 of 2018. The Hon'ble Supreme Court has passed the interim order permitting the students of NIOS to participate in the counselling/admission process, subject to the result of the Special Leave Petition.

3. It is stated by the learned counsel appearing for the respondents that the said Special Leave Petition is still pending and the Hon'ble Division Bench of this Court in W.P.No.16556 of 2019 vide its order dated 17.06.2019, taking note of the interim order passed by the Hon'ble Supreme Court, has directed, the Selection Committee, the Directorate of Medical Education, to allowed the candidates who have completed 10 +2 under Open School system.

4. In the light of the above fact, the petitioner herein is permitted to participate in the selection process, if she is otherwise eligible, subject to the out come of result in Special Leave Petition No. 21720 of 2018, which is pending before Hon'ble Supreme Court. This Court directed the 4th

respondent/the Selection Committee, O/o. The Directorate of Medical Education, to accept the application made by the petitioner herein, if otherwise in order.

5. Accordingly, the Writ Petition is disposed of. No costs. Consequently connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(Insp.Cell)

//True Copy//

Sub Assistant Registrar

bsm

To,

1. The Secretary to Government,
State of Tamil Nadu,
Health and Family Welfare Department,
Fort St.George,
Chennai - 600 009.
2. The Medical Council of India,
M.C.I.Building, Pocket-14,
Sector-8, Dwarka Phase-I,
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3. The Director of Medical Education,
No.162, Periyar EVR High Road,
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4. The Selection Committee,
O/o. The Directorate of Medical Education,
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Kilpauk, Chennai-600 010.
5. The Director,
National Eligibility-cum-Entrance Test,
(NEET), Noida,
Uttarpradesh.

+1cc to Mr.V.P.Raman, Advocate, S.R.No.52067

+1cc to R.Chandrasekaran, Advocate, S.R.No.52049

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PVS (CO)

RRS (25/06/2019)