

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.MANIKUMAR
and
THE HONOURABLE MR.JUSTICE SUBRAMONIUM PRASAD

W.P.Nos.19151 & 19158 of 2019
and WMP Nos.18541, 18543 & 18545 of 2019
in WP No.19151 of 2019

Dr.G.R.Ravindranath ... Petitioner in both WPs

.Vs.

1. The Union of India,
Rep. by its Secretary to the Government,
Ministry of Health & Family Welfare Department,
"A" Wing, Nirman Bhavan,
New Delhi - 110 011.

2. The Union of India,
Rep. by its Secretary to the Government,
Ministry of Human Research Development,
Department of Higher Education,
Shastri Bhawan, New Delhi - 110 001.

3. The Director General of Health Services,
Ministry of Health & Family Welfare Department,
Nirman Bhavan, New Delhi - 110 011.

4. The Medical Council of India,
Pocket 14, Sector-8,
Dwarka Phase I, New Delhi - 110 077.

5. The Secretary,
National Board of Examinations,
Medical Enclave, Ansari Nagar,
Mahatma Gandhi Marg (Ring Road)
New Delhi - 110 029.

6. The Secretary,
The National Testing Agency,
Department of Higher Education, MHRD,
Government of India,
C-20, 1A/8, Sector 62,
IITK Outreach Centre,
NOIDA-201 309.

7. The State Government of Tamil Nadu,
Rep. by its the Secretary,
Health & Family Welfare Department,
Secretariat, St. Fort George,
Chennai - 9.

8. The Director,
The Directorate of Medical Examination,
Kilpauk,
Chennai - 10.

..Respondents in both WPs

Prayer in WP No.19151 of 2019: Writ Petition is filed under Article 226 of the Constitution of India, issuance of a Writ of certiorarified mandamus, calling for the records in respect of implementation of clause 5(a) of the Impugned Information bulletin issued by 6th respondent for admission to MBBS/BDS courses for the academic session 2019-2020 and quash the same as discriminatory, unreasonable more specifically as unconstitutional and consequentially directing the respondents to provide equal reservation to OBC students in all institutions to be admitted under the All India quota for medical admission under UG courses without any discrimination.

Prayer in WP No.19158 of 2019: Writ Petition is filed under Article 226 of the Constitution of India, issuance of a Writ of mandamus, forbearing the respondents from in any way restricting the OBC reservation only to Central Education Institutions alone in so far as All India Quota in Medical admission is concerned and consequentially directing the respondent to grant equal Reservation to OBC category students in all the institutions in so far as All India Quota in Medical admission is concerned without any discrimination in the process of admission to MS/MD/PD Diploma Courses from the year 2019 onwards.

For Petitioners : Mr.N.R.Elango, Sr. Counsel
in both WPs for Mr.E.Vijay Anand

For Respondents : Mr.G.Karthikeyan, (for R1 to R3)
in both WPs. Assistant Solicitor General
of India.

Mr.V.Kadhirvelu, (for R7 & R8)
Special Government Pleader.

C O M M O N O R D E R
(Order of this Court was made by S.Manikumar, J.)

In WP.No.19151 of 2019, petitioner has sought for Writ of certiorarified mandamus, calling for the records in respect of

implementation of clause 5(a) of the Impugned Information bulletin issued by 6th respondent for admission to MBBS/BDS courses for the academic session 2019-2020 and quash the same as discriminatory, unreasonable more specifically as unconstitutional and consequentially directing the respondents to provide equal reservation to OBC students in all institutions to be admitted under the All India quota for medical admission under UG courses without any discrimination.

2. In WP No.19158 of 2019, petitioner has sought for a Writ of mandamus, forbearing the respondents from in any way restricting the OBC reservation only to Central Education Institutions alone in so far as All India Quota in Medical admission is concerned and consequentially directing the respondent to grant equal Reservation to OBC category students in all the institutions in so far as All India Quota in Medical admission is concerned without any discrimination in the process of admission to MS/MD/PD Diploma Courses from the year 2019 onwards.

3. Earlier, in WP No.14398 of 2017, petitioner therein has sought for a writ of declaration, declaring that the exemption from National Eligibility Entrance Test [in short NEET] for the students of Tamil Nadu State Board should be extended for the academic year 2017-18 for the reason that the qualifying examination consist of both +1 & +2 curriculum to save the equality and equal protection or in the alternative not to insist NEET without a correspondent State law following minimum standards in Higher Secondary Education in part with MCI Regulations.

4. While dealing with the said writ petition, a Hon'ble Division Bench of this Court in WP No.14398 of 2017 dated 19.06.2017 has considered an order of the Hon'ble Supreme Court dated 12.06.2017 made in SLP (C) No.16307 & 16311 of 2017.

5. Order of the Hon'ble Supreme Court dated 12.06.2017 made in SLP (C) No.16307 & 16311 of 2017, as extracted in paragraph No.4 of the order made in WP. No.14398 of 2017 dated 19.06.2017 is reproduced.

"4. The Hon'ble Supreme Court of India, in the order dated 12.06.2017 made in SLP (C) No.16307 & 16311 of 2017, which was filed challenging the order dated 24.05.2017 passed by the Madurai Bench of this Court in WP [MD] Nos.9289 and 9606 of 2017 and WMP [MD] No.7064 and 7337 of 2017, has observed that the High Courts are requested not to entertain the writ petitions relating to NEET. One of the prayers sought for by the petitioners is not to insist NEET without a corresponding State law following minimum standards in

Higher Secondary Education on par with MCI Regulations. In the light of the above said interim order passed by the Hon'ble Supreme Court of India, this Court is not in a position to entertain this writ petition and therefore, it is rejected."

6. Instant writ petitions, admittedly deal with admission to MBBS/BDS Course Session 2019-20, and the provision impugned is clause 5(a) of the Information Bulletin for National Eligibility cum Entrance Test (UG) 2019 for admission to MBBS/BDS Courses (Session 2019-20).

7. Considering the order of the Hon'ble Supreme Court in SLP (C) No.16307 & 16311 of 2017, dated 12.06.2017, we are not inclined to entertain the instant writ petitions. As observed in WP No.14398 of 2017 dated 19.06.2017, if the petitioner is so advised, is at liberty to approach the Hon'ble Supreme Court.

8. With the above observation, writ petitions are not entertained and the same are rejected. No Costs. Consequently, the connected writ miscellaneous petitions are closed.

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Sd/-

Assistant Registrar (CS VIII)

//True Copy//

Sub Assistant Registrar

To

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Union of India,
Ministry of Health & Family Welfare Department,
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New Delhi - 110 011.

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The Directorate of Medical Examination,
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Chennai - 10.

+1cc to Mr.E.Vijay Anand, Advocate, SR.No.56187
+1cc to Mr.G.Karthikeyan, Advocate, SR.No.57538

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Kak (20/08/2019)

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