



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 19.06.2019
CORAM:

THE HONOURABLE MR. JUSTICE R. SURESH KUMAR

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W.P. (MD) No. 13228 of 2019
and W.M.P. (MD) No. 9861 of 2019

Minor M. Vikram Balaji
Rep. By his father and natural guardian
V. Maran
S/o. C. Vellaisamy
15/5/16 Kamala Nehru Street,
Tahsildar Nagar, Thamaraikulam
Periyakulam, Theni ... Petitioner

Vs.

1. Central Board of Secondary Education,
Shiksha Kendra, 2-Community Centre,
Preet Vihar, Delhi - 110092
2. The Chairperson
National Testing Agency
9C-20 1A/B Sector 62
IITK Outreach Centre, Noida-201 309
3. The Senior Director, (NEET (UG))
National Testing Agency
9C-20 1A/B Sector 62
IITK Outreach Centre, Noida-201 309
4. The Director of Medical Education,
(NEET Counseling 2019)
162 EVR Periyar Salai
Kilpauk, Chennai-600 010
5. The Principal
Sri Renuga Vidyalayam Matric Higher Secondary School
Theni District. ... Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the respondents 1 to 4 to correct the petitioner's communal category as SC instead of OBC and modify the category rank within a time frame that may be fixed by this Court well before the counselling commences by considering the email representation dated 05.06.2019.



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For Petitioners
For Respondents

:Mr.A.Kannan
:Mr.P.Karthick for R1
Standing counsel
Mr.C.M.Mari Chelliah Prabhu
Additional Government Pleader for R4
No appearance for R2, R3 and R5

ORDER

This writ petition has been filed by the petitioner/son represented by his father to direct the respondents 1 to 4 to correct his communal category as Scheduled Caste instead of OBC and modify the category rank within a time frame well before the counselling commences by considering the email representation dated 05.06.2019.

2. Heard the learned counsel for the petitioner, the learned standing counsel for the first respondent and the learned Additional Government Pleader for the fourth respondent. In respect of the respondents 2, 3 and 5, though notice has been served privately and proof has been filed and their name have been printed in the cause list, when the case is called, neither the respondents 2, 3 and 5 nor their counsel appeared.

3.The case of the petitioner is that, the petitioner's date of birth is 15.09.2001; he studied Higher Secondary Course from the 5th respondent School and the School arranged for all the students to upload their particulars by engaging a private consultant for the purpose of appearing the National Eligibility and Entrance Test ie., NEET, which is otherwise called as, All India Pre-medical Test, which was held on 05.05.2019. Accordingly, his application with Application No.190410431339 and Roll No.4106111817 was submitted and all particulars submitted by the petitioner was uploaded in the official web site of the second respondent, which was the Centralised Agency conducting the NEET exams, 2019.

4. However, according to the petitioner, due to inadvertence, the 5th respondent School entered the petitioner's caste as Other Backward Class (OBC) instead of Scheduled Caste, whereas, the petitioner belongs to Scheduled Caste.

5. After examination was over, the result was published on 05.06.2019 and the petitioner score card was issued, according to which, he has been placed at All India ranking as 295497 and his category rank as OBC as 129662.

6. In this regard, it is the grievance of the petitioner that, if the community of the petitioner, ie., Scheduled Caste was correctly uploaded by the fifth respondent School, certainly, the petitioner would have been treated as a Scheduled Caste candidate, accordingly, his ranking would have been fixed by the second respondent under Scheduled Caste category and because of the wrong uploadment of the community of the petitioner, now, the petitioner



has been categorised as OBC candidate, accordingly ranking list was issued. Therefore, the petitioner may lose the chance of getting admission under the Scheduled Caste category. Hence, in order to rectify the same, the petitioner approached this Court seeking a direction, as has been prayed for, in this writ petition.

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7. Though notice has been given to all the respondents, counsel entered appearance only for R1 and R4 and both the counsel submitted that, the concerned authority to make the rectification is the second and third respondents, who are the Centralised agency conducting the NEET exams 2019.

8. As to whether it was wrongly uploaded by the School concerned, viz., the 5th respondent School, though has been impleaded herein as one of the party respondent, notice having been served on them, they also did not choose to appear before this Court. In that view of the matter, this Court is inclined to pass the following order:

"The request of the petitioner to change his community status from OBC to Scheduled Caste shall be considered by the second and third respondents and in this regard, if the second and third respondents ultimately found that, the petitioner belongs to Scheduled Caste and it has been wrongly uploaded as OBC, necessary correction has to be made and accordingly, ranking list of the petitioner can be released. The aforesaid exercise shall be undertaken by the respondents 2 and 3 within a period of two weeks from the date of receipt of a copy of this order. It is also open to the petitioner to make necessary application separately by annexing the community certificate to the second and third respondents immediately along with the copy of this order."

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

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar(CS)

To

1. Central Board of Secondary Education,
Shiksha Kendra, 2-Community Centre,
Preet Vihar, Delhi - 110092

2. The Chairperson
National Testing Agency
9C-20 1A/B Sector 62

<https://hcservices.ecourts.gov.in/hcservices/>

ITIK Outreach Centre, Noida - 201 309



3.The Senior Director, (NEET(UG)
National Testing Agency
9C-20 1A/B Sector 62
IITK Outreach Centre, Noida - 201 309

4.The Director of Medical Education,
(NEET Counseling 2019)
162 EVR Periyar Salai
Kilpauk, Chennai - 600 010

+1cc to Mr.A.KANNAN, Advocate, SR.No.69996

+1cc to Mr.P.KARTHICK, Advocate, SR.No. 69979

W.P. (MD) No.13228 of 2019
and W.M.P. (MD) No.9861 of 2019
19.06.2019

RR

KK/SAR/20.06.2019/4P-7C

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