



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 23.04.2019

CORAM:

THE HONOURABLE MR.JUSTICE **G.R.SWAMINATHAN**
W.P. (MD) No.14777 of 2018

and

W.M.P. (MD) Nos.13328, 13329 and 13330 of 2018

G.Arunkumar

... Petitioner

Vs

1.The State of Tamil Nadu rep. through,
The Secretary to the Government,
Health Department, Secretariat,
Chennai.

2.The Director of Medical Education,
Directorate of Medical Education,
Kilpak, Chennai - 10.

3.The Selection Committee,
MBBS/BDS Courses 2018 - 19 Session Common,
Directorate of Medical Education,
Kilpak, Chennai - 10.

4.The Regional Officer,
Central Board of Secondary Education,
New No.3, Old No.1630,
"A", "J" Block, 16th Main Road,
Anna Nagar West, Chennai - 40.

5.The Chairman,
The District Medical Board,
Government Rajaji Hospital,
Madurai, Madurai District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to certificate of ineligibility dated 19.06.2018 issued by the 5th respondent and quash the same further direct the respondents to provide the MBBS admission for petitioner in MBBS course at any one of the Government College under physically challenged quota.

For Petitioner : Mr.Mohamed Mohideen
For Mr.V.Manikandan

For Respondents: Mr.K.Mu.Muthu

Addl. Govt. Pleader for R1, R2 & R5

**ORDER**

Heard the learned counsel on either side.

2. The writ petitioner is physically challenged student. He had secured good marks in NEET, 2018. He applied for admission to MBBS course under the quota meant for physically challenged candidates. The petitioner was however denied the same. This was because the fifth respondent herein has issued certificate indicating that the petitioner is not eligible to be admitted to MBBS course. But then, it is seen that Regional Medical Board of Madras Medical College had issued certificate dated 08.06.2018 mentioning that the petitioner is eligible for admission to Medical/Dental Courses. Thus there are two conflicting certificates issued by two different Medical Boards. Therefore, I am of the view that the issue calls for a fresh examination. Therefore, this Court directs the second respondent to constitute a fresh Medical Board for examining the writ petitioner and giving a certificate of eligibility for being admitted to Medical/Dental Courses for the coming academic year. This exercise shall be completed within a period of four weeks from the date of receipt of a copy of this order. It is for the medical Board to take a decision in the matter.

3. The writ petition is disposed of on these terms. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

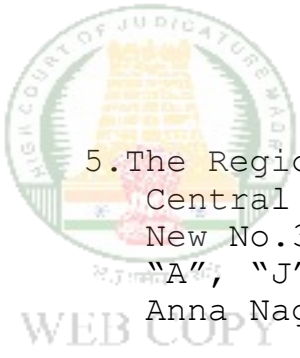
Assistant Registrar (Crl.Side)

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Sub Assistant Registrar (CS-I)

To:

1. The Secretary, to Government of Tamil Nadu,
Health Department, Secretariat,
Chennai.
2. The Director of Medical Education,
Directorate of Medical Education,
Kilpak, Chennai - 10.
3. The Chairman,
The District Medical Board,
Government Rajaji Hospital,
Madurai, Madurai District.
4. The Selection Committee,
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5.The Regional Officer,
Central Board of Secondary Education,
New No.3, Old No.1630,
"A", "J" Block, 16th Main Road,
Anna Nagar West, Chennai - 40.

+1cc to Special Government Pleader, SR.No.62156
+1cc to Mr.V.Manikandan,Advocate, SR.No.61698

W.P. (MD) No.14777 of 2018
23.04.2019

SP/24.04.2019/3P/8C