

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.11.2020

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THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P Nos.9898 & 9903 of 2020
and W.M.P.Nos.12036 & 12037 of 2020

Govindaraj Vaimitra,
D/o.Dr.S.Govindaraj,
R-48C, TVS Avenue Main Road,
Annanagar West Extension,
Chennai - 600 101.

...Petitioner
in both Wps.

Vs.

- 1.The State of Tamil Nadu,
Rep. by its Secretary to Government,
Health and Family Welfare Department,
Fort St.George, Chennai - 600 009.
- 2.The Selection Committee,
Rep. by its Secretary,
Directorate of Medical Education,
No.162, Periyar EVR High Road,
Kilpauk, Chennai - 600 010.
- 3.The Tamil Nadu Dr.M.G.R.Medical University,
Rep. by its Registrar,
No.69, Anna Salai Road, Guindy,
Chennai - 600 032.
- 4.Union of India,
Rep. by its Secretary,
Ministry of Human Resource Development,
Room No.316,
All India Council for Technical Education,
Nelson Mandela Marg,
Vasant Kunj, New Delhi - 110 070.
- 5.The Medical Council of India,
Rep. by its Secretary,
Sector - VIII, Dwaraga Phase II,
New Delhi - 110 077.

...Respondents
in both Wps.

Prayer in W.P.No.9898 of 2020: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the first and second respondents to issue a bulletin forthwith that the students who have

completed 10+2 (Senior Secondary Certification) from recognised Open School Boards like National Institute of Open Schooling (NIOS) are eligible and qualified for admission to Bachelor of Medicine and Bachelor of Surgery (MBBS) course for the academic year 2020-21 or any other subsequent years in any one of the Medical Colleges in the State of Tamil Nadu based on their NEET marks.

Prayer in W.P.No.9903 of 2020: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the third respondent to issue an eligibility certificate to the petitioner who has completed 10+2 from National Institute of Open Schooling (NIOS) certifying that the petitioner is eligible to participate in the counselling and admission for MBBS course in any one of the Medical Colleges in the State of Tamil Nadu for the academic year 2020-21 or any other subsequent years.

For Petitioner : Mrs.Nalini Chidambaram for
Mr.N.R.R.Natarajan

For Respondents : Mr.E.Manoharan for R1
Mr.Abdul Saleem for R2
Mr.Ravichandran for R3
Mr.Kumaraguru for R4
Mr.V.P.Raman
Standing Counsel for R5

COMMON ORDER

These writ petitions have been filed for the issue of Writ of Mandamus directing the first and second respondents to issue a bulletin forthwith that the students who have completed 10+2 (Senior Secondary Certification) from recognised Open School Boards like National Institute of Open Schooling (NIOS) are eligible and qualified for admission to Bachelor of Medicine and Bachelor of Surgery (MBBS) course for the academic year 2020-21 or any other subsequent years in any one of the Medical Colleges in the State of Tamil Nadu based on their NEET marks and to direct the third respondent University to issue eligibility certificate to the petitioner in order to enable the petitioner to participate in the counselling and admission in the MBBS Course during the academic year 2020-21.

2. When the matter came up for hearing on 03.08.2020, this Court passed the following order:

"Mrs.Nalini Chidambaram, learned Senior counsel appearing on behalf of the petitioner submitted that the second respondent by his communication dated 22.07.2020 has informed the petitioner that the petitioner will be permitted to participate in the counselling for

the academic year 2020-21 based on merits subject to the result of the S.L.P.

2. In view of the said communication, the learned Senior Counsel submitted that the petitioner will be able to participate in the counselling but however the subsequent allotment of seat is not clear from the said communication and the respondents will have to be directed to come out with a clear stand in this case.

3. In view of the above development, the learned counsel appearing on behalf of the respective respondents shall take instructions and file a counter, if any."

3. Thereafter, the matter came up for hearing on 04.09.2020 and the following order was passed by this Court.

"Learned counsel appearing on behalf of the MGR Medical University, on instructions, submitted that the eligibility certificate sought for by the petitioner will be granted only after the petitioner applies for the same in prescribed format along with all the relevant documents. The learned counsel further submitted that the petitioner will have to first take the NEET Examination and after the marks are released, thereafter the petitioner will have to apply for the eligibility certificate. The learned counsel further submitted that the third respondent, in consultation with the second respondent will consider the application and thereafter issue the eligibility certificate. That stage has not reached till now. The NEET Examination is yet to be conducted."

4. When the writ petitions were taken up for hearing today, Mr. Abdul Saleem, learned counsel appearing on behalf of the second respondent submitted that a fresh prospectus has been issued and it has been made clear that even candidates who have completed 10+2 through National Institute of Open Schooling (NIOS) will also be eligible to participate in the counselling conducted by the second respondent and they will also be admitted in the respective medical colleges once they are found fulfilling all other qualifications.

5. Mrs. Nalini Chidambaram, learned Senior Counsel, appearing on behalf of the petitioner submitted that the petitioner has already applied for the eligibility certificate before the third respondent University and till date the eligibility certificate has not been issued by the third

respondent. The learned senior counsel further submitted that without the eligibility certificate, the petitioner will not be allowed to participate in the counselling conducted by the second respondent. The learned senior counsel therefore requested this Court to direct the third respondent to give the eligibility certificate immediately in order to enable the petitioner to participate in the counselling. The learned senior counsel concluded her arguments by submitting that this Court should clarify the position that the petitioner will be eligible to participate in the counselling and on fulfilling the other criterios will also be eligible for admission in the medical colleges.

6.Mr.D.Ravichander, learned counsel appearing on behalf of the third respondent University submitted that the request made by the petitioner seeking for eligibility certificate will be considered in line with the fresh prospectus issued by the second respondent.

7.The entitlement of the petitioner to participate in the counselling and to secure admission in the medical college for the academic year 2020-21 has now been cleared by virtue of the fresh prospectus issued by the second respondent. This prospectus makes it clear that those candidates who have completed 10+2 from National Institute of Open Schooling (NIOS) will also be eligible to participate in the counselling and will also be granted admission for the MBBS Course during the academic year 2020-21, subject to the candidates fulfilling all the other criterias.

8.In view of the issuance of the fresh prospectus by the second respondent, the third respondent is directed to issue the eligibility certificate to the petitioner immediately. The petitioner can thereafter participate in the counselling with this eligibility certificate.

9.These writ petitions are disposed of with the above directions. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS-III)

//True copy//

Sub Assistant Registrar

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To:

1.The Secretary to Government,
State of Tamil Nadu,
Health and Family Welfare Department,
Fort St.George, Chennai - 600 009.

- 2.The Secretary,
Selection Committee,
Directorate of Medical Education,
No.162, Periyar EVR High Road,
Kilpauk, Chennai - 600 010.
- 3.The Registrar,
Tamil Nadu Dr.M.G.R.Medical University,
No.69, Anna Salai Road, Guindy,
Chennai - 600 032.
4. The Secretary,
Union of India,
Ministry of Human Resource Development,
Room No.316,
All India Council for Technical Education,
Nelson Mandela Marg,
Vasant Kunj, New Delhi - 110 070.
- 5.The Secretary,
Medical Council of India,
Sector - VIII, Dwaraga Phase II,
New Delhi - 110 077.

+2cc to Mr.V.P.Raman, Advocate SR.No.35729, 35730

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SAI (CO)
GMY(11/11/2020)