

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.10.2020

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.13969 of 2020

E.Sumanraj,

... Petitioner

Vs.

1.The Joint Director - Medical,
National Board of Examinations NEET SS-2020
Medical Enclave, Ansari Nagar,
Mahathma Gandhi Marg,
Link Road, New Delhi-110 029.

2.The Medical Counselling Committee,
Directorate General of Health Services,
Ministry of Health and Family Welfare,
Government of India,
New Delhi.

3.The Controller of Examinations,
Rajamuthiah College and Hospital,
Annamalai University,
Annamalai Nagar, Chidambaram.

.... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, seeking Writ of Mandamus, directing the 3rd respondent herein to forthwith declare the results of the petitioner in respect of MD General Medicine examination for the academic year 2017-2020 pursuant to the examination conducted in August 2020 and pass orders.

For Petitioner : M/s.AL Ganthimathi

For Respondents : Mr.C.V.Ramachandramoorthy
Senior Central Government
Standing Counsel for R2.

Mr.K.Sathish Kumar
Standing Counsel for R3.

O R D E R

This Writ Petition has been filed for the issuance of Writ of Mandamus directing the third respondent to declare the results for the academic year 2017-2020 pursuant to the examination conducted during August 2020.

2. When the matter came up for admission, this Court

passed the following interim order on 01.10.2020:

"Mr.C.V.Ramachandra Moorthy, learned Senior Central Government Standing Counsel takes notice for 2nd respondent. Mr.K.Sathish Kumar, learned Standing counsel, takes notice for 3rd respondent.

2.The learned Central Government Standing counsel on instructions submitted that the first round of counselling is going to be conducted from 5th to 7th October 2020 and the 2nd round of counselling will be conducted from 19th to 21st October 2020. The learned counsel further submitted that for the present the petitioner can participate in the counselling based on the NEET marks / NEET Rank. As per the scheme of counselling, the certificate is required to be submitted only at the time of reporting before the College, where the petitioner is allotted a seat after counselling.

3.In view of the above submission, the petitioner is permitted to participate in the counselling for the Super speciality course to be conducted from 5th to 7th October 2020. This interim direction is passed after taking into consideration the marks obtained by the petitioner in the NEET examination and also of the fact that the 3rd respondent university is at fault in not publishing the results on or before 25.09.2020. The delay had occasioned not due to the fault of the petitioner.

4.Post this case on 08.10.2020 under the caption for orders."

3.Mr.K.Sathish Kumar, learned standing counsel appearing on behalf of the third respondent submitted that the results have been declared and a certificate has been handed over to the petitioner on 07.10.2020. The learned counsel further submitted that the petitioner has cleared the course successfully.

4.The learned counsel for the petitioner submitted that the counselling schedule has been postponed to a future date. The learned counsel further submitted that as per the NEET Bulletin, the cut off date for qualifying in the P.G. Course is fixed as 25th September 2020. The learned counsel submitted that because of the delay caused by the third respondent in declaring the results beyond 25th September 2020, the student should not be penalized and therefore directions can be issued to the first and second respondents to take into consideration the certificate issued by the 3rd respondent and allow the petitioner to participate in the counselling.

5.Heard Mr.C.V.Ramachandramoorthy, learned Senior Central Government Standing Counsel appearing on behalf of second respondent.

6.Taking into consideration the facts and circumstances of the case and in order to safeguard the

interest of the petitioner, who has successfully completed the P.G. Course and has also cleared the NEET examination, there shall be a direction to the first and second respondents to take into account the results declared by the third respondent and the certificate issued to the petitioner and not to disqualify the petitioner on the ground that it was published beyond 25th September 2020.

7.This direction is given on the peculiar facts of the present case, since the delay caused by the third respondent University should not be put against the petitioner.

8.This writ petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

Rm

To

1.The Joint Director - Medical,
National Board of Examinations NEET SS-2020
Medical Enclave, Ansari Nagar,
Mahathma Gandhi Marg,
Link Road, New Delhi-110 029.

2.The Medical Counselling Committee,
Directorate General of Health Services,
Ministry of Health and Family Welfare,
Government of India,
New Delhi.

3.The Controller of Examinations,
Rajamuthiah College and Hospital,
Annamalai University,
Annamalai Nagar, Chidambaram.

+1cc to Mr.K.Sathish Kumar, Advocate, S.R.No.33984
+1cc to Mr.AL.Gandhimathi, Advocate, S.R.No. 33750

W.P.No.13969 of 2020

SPD (CO)
GN (06/11/2020)