



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :23.07.2020

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THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P. (MD) No.14976 of 2019

and

W.M.P. (MD) Nos.11483 & 11484 of 2019

WEB COPY

Krishna V.Nair

...Petitioner

Vs

- 1.The Secretary General,
BoG.Medical Council of India,
Pocket 14, Sector -8,
Dwarka, Phase - 1,
New Delhi 110 077.
- 2.The Secretary,
Health and Family Welfare Department,
Namakkal Kavignar Maaligai,
4th Floor, Fort St.George,
Chennai 600 009.
- 3.The Registrar,
The Tamilnadu Dr.MGR.Medical University,
69, Anna Salai,
Little Mount, Guindy,
Chennai 660 002.
- 4.The Secretary,
(Directorate of Medical Education),
Selection Committee,
162, Periyar EVR High Road,
Kilpauk,
Chennai 600 010.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the 3rd respondent to admit the petitioner to study MBBS by implementing Economically Weaker Section (EWS) reservation quota in Tamil Nadu NEET Exam, 2019.

For Petitioner : Mr.B.Christopher

For R1 : Mr.P.Mahendran for
Mr.V.P.Raman

For R2 & R4 : Mr.K.Chellapandian
Additional Advocate General assisted by



Mr.V.Anand
Government Advocate

For R3

: Mr.S.Ramesh

WEB COPY

ORDER

This writ petition is filed to direct the 3rd respondent to admit the petitioner to study MBBS by implementing Economically Weaker Section (EWS) reservation quota in Tamil Nadu NEET Exam for the academic year 2019-2020.

2.It is the case of the petitioner that the petitioner had appeared in the NEET (National Eligibility cum Entrance Test) for studying Undergraduate Medical Course (MBBS) for the academic year 2019-2020. The 1st respondent by his proceedings dated 18.04.2019 issued circular to the respondents 2 to 4 for implementation of reservation of 10% seats for the Economically Weaker Section (EWS) candidates by enhancing undergraduate MBBS seats for the academic year 2019-2020.

3.Since the petitioner was issued with Economically Weaker Section certificate, she requested the respondents through e-mails to extend the constitutional benefit to include her name in Economically Weaker Section (EWS) quota and to allot a MBBS admission seat for her in Medical Course under EWS quota. However, the respondents 2 to 4 have not implemented the reservation of 10% seats for the Economically Weaker Section (EWS) in UG Medical Course for the academic year 2019-2020. By narrating the aforesaid facts, though the petitioner made representations to the respondents through e-mail on 29.06.2019 and 30.06.2019, the same has not been considered by the respondents till date. Hence, left with no other alternative, the present writ petition has been filed.

4.Mr.K.Chellapandian, learned Additional Advocate General assisted by Mr.V.Anand, learned Government Advocate mainly argued this case on two grounds.

5.Firstly, though the petitioner had filed the present writ petition for issuance of writ of mandamus to admit her for studying MBBS by implementing Economically Weaker Section (EWS) reservation quota in Tamil Nadu NEET Exam for the academic year 2019-2020, the Government has not taken any policy decision by implementing the aforesaid circular issued by the 1st respondent dated 18.04.2019 for implementation of reservation of 10% seats for the Economically Weaker Section (EWS) candidates for the academic year 2019-2020.

6.Secondly, though the relief sought for by the petitioner only for the academic year 2019-2020, the prayer sought for by the petitioner has now become infructuous and that therefore, nothing



survives for further adjudication in this matter. Hence, the learned Additional Advocate General prays before this Court that the writ petition ought to be dismissed, since the same was filed in the year 2019.

7. Considering the facts and circumstances of this case that though the relief sought for by the petitioner only for the academic year 2019-2020, the prayer sought for by the petitioner has now become infructuous and in agreeing with the submission made by the learned Additional Advocate General, this Writ Petition is dismissed as infructuous. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The Secretary General,
BoG. Medical Council of India,
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2. The Secretary,
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+1 CC to M/s.S.RAMESH, Advocate (SR-13220[F] dated 24/07/2020)

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23.07.2020