



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.12.2020

CORAM:

THE HONOURABLE MR.JUSTICE S. VAIDYANATHAN

W.P. (MD)No.17845 of 2020

and

W.M.P. (MD)No.14883 of 2020

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Dr.N.K.Balachandran

... Petitioner

-vs-

1.The Senior Director,
National Eligibility cum Entrance Test (NEET),
National Testing Agency,
C20, 1A/8, Sector 62,
Gowtham Budh Nagar,
Noida, New Delhi.

2.The Director of Medical Education,
Government of Tamil Nadu,
Kilpauk,
Chennai - 600 010.

3.The Secretary,
Selection Committee for Admission to MBBS/BDS,
Under Government Quota,
Directorate of Medical Education,
Kilpauk,
Chennai - 600 010.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the second and third respondents to allot MBBS decree seat under Government quota to the petitioner's daughter namely N.B.Deeksha, D/o.Dr.N.K.Balachandran in any of the Government Medical Colleges situated within the state of Tamil Nadu based on the marks obtained in the NEET Examination (Roll No.4106019001) conducted in the month and year of September, 2020.

For Petitioner
For Respondents

: Mr.R.Sankarasubbu
: Mr.Sricharan Rangarajan,
Additional Advocate General
assisted by K.P.Krishnadoss
Special Government Pleader

ORDER

This writ petition is filed, seeking issuance of a Writ of Mandamus directing the second and third respondents to allot MBBS

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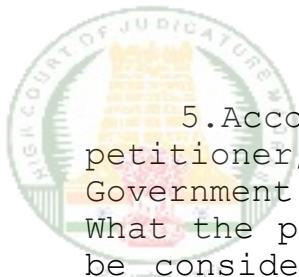
decree seat under Government quota to the petitioner's daughter namely N.B.Deeksha, D/o.Dr.N.K.Balachandran in any of the Government Medical Colleges situated within the state of Tamil Nadu based on the marks obtained in the NEET Examination (Roll No.4106019001) conducted in the month and year of September, 2020.

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2.Heard the learned Counsel appearing for the petitioner and Mr.Sricharan Rangarajan, learned Additional Advocate General assisted by K.P.Krishnadoss, learned Special Government Pleader, appearing for the respondents.

3.The learned Counsel appearing for the petitioner would submit that the petitioner's daughter by name N.B.Deeksha has completed 10th standard during the academic year 2017-2018 at Chellappan Vidya Mandir International School, Sivagangai and also completed 12th standard during the academic year 2019-2020 at Paramakudi Lions Matriculation Hr. Sec. School, Paramakudi, Ramanathapuram District. She had appeared in NEET Examination conducted in the month of September, 2020 and obtained 610 out of 720 marks with All India NEET Rank of 17150. The petitioner's daughter applied for MBBS Degree seat under Government quota with the third respondent and based on the mark she obtained, she was called for counselling on 24.11.2020 which was postponed to 30.11.2020 due to cyclone. It is further stated that in the call letter sent by the third respondent, the application number of the petitioner was wrongly mentioned as 609337 instead of 601495 and when asked about the same with the third respondent, they replied that it was due to their error and asked the petitioner's daughter to attend the Counselling on the said date without fail. Though the petitioner's daughter was present during the counselling on the said date till 6.00 p.m., she was not called and the officers of the third respondent told that as the application number was wrongly mentioned in the call letter, they were not able to permit the petitioner's daughter to participate in the Counselling. There are totally 28 students similar to the petitioner's daughter have secured 610 out of 720 marks in the NEET were allotted MBBS Seat under Government quota. It is further submitted that when the other students standing on the same footing were allotted MBBS Seat under Government quota in the Government Medical College, denial of MBBS seat to the petitioner's daughter under Government quota is against the Fundamental Rights to Equality and Education Guaranteed under Part-III of the Constitution of India. Hence, the petitioner has come forward with the present Writ Petition.

4.The learned Counsel appearing for the petitioner would submit that the petitioner's daughter is not claiming any relief under 7.5% quota as she has secured 610 marks out of 720 marks and that there is a malpractice in the process of Counselling. He would further submit that the petitioner's daughter was called on 07.12.2020 and she has also made a complaint with regard to the procedure adopted.



5. According to the learned Counsel appearing for the petitioner, Government quota means the seat available in all the Government colleges. Such an interpretation cannot be accepted. What the prayer reads that the petitioner's daughter is eligible to be considered under 7.5% quota, at the time of argument today the learned Counsel appearing for the petitioner has given up that argument and he submitted that the petitioner's daughter has secured 610 marks out of 720 marks and that she is eligible to be considered on merits along with similarly placed candidates. Since further incident has taken place on 07.12.2020 which gives a fresh cause of action, this Court cannot go into that aspect in the present Writ Petition. If the petitioner has got any grievance with regard to the non-selection and as on date, the selection has not been completed, it is open to the petitioner to challenge the same in accordance with law. Accordingly, the Writ Petition is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

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Sub Assistant Registrar(CS)

SRM

To

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