



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.10.2021

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.1456 of 2021

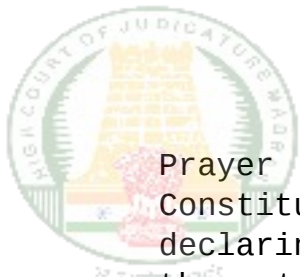
V.Viswa Priya

..Petitioner

Vs.

1. The State of Tamil Nadu,
Rep by Principal Secretary
Department of Medical Education (higher education),
Secretariat, Chennai 600 009.
- 2 The Chairman,
National Medical Commission, Section - 8 ,
Pocket - 14, Phase - I, Dwaraka,
New Delhi - 110070.
- 3 The Secretary,
Medical Council of India, Section - 8,
Pocket - 14, Phase - I, Dwaraka, New Delhi - 110070.
- 4 The Director,
Medical Council of India, Section - 8,
Pocket - 14, Phase - I, Dwaraka,
New Delhi - 110070.
- 5 Medical Counseling Committee
(MCC) Government of India Directorate of
General Health Services Ministry of Health
and Family Welfare Nirman Bhawan New
Delhi.
- 6 The Selection Committee
Rep. by its Secretary Directorate of
Medical Education No. 162 Periyar EVR
High Road Kilpauk Chennai.

..Respondents



Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Declaration to declaring the respondents 2 to 5 a. that placing of the name of the petitioner in the list of the candidates not eligible due to dual nativity and studied other state as illegal and direct the respondents 2 to 5 reckon the admission of the petitioner in the MBBS Course for the academic year 2020 - 21 based on the score card of the petitioner in NEET (UG) 2020 and call letter for counseling dated 09.12.2020 together with all documents submitted by the petitioner at the time of counseling and c. treating the petitioner as one fulfilling all the eligible criteria for selection in the counseling for the MBBS Course.

For Petitioner : Mr.A.Muruganandam

For Respondents : Mr.A.Selvendran
Government Advocate for R1

Ms.Subaranjani Ananth
for R2 to R4

Dr.D.Simon,
Central Government Standing
counsel for R5

Mr.Abdul Saleem for R6

ORDER

This writ petition was filed questioning the rejection of the candidature of the petitioner on the ground that she is not a native of Tamil Nadu.

2. The writ petition was admitted on 25.01.2021 and it was directed to be posted after 2 weeks. Thereafter, it was once again adjourned for 4 weeks on 04.03.2021. The writ petition ultimately got listed only on 04.10.2021 and immediately this Court took up the writ petition for final hearing today.

3. Heard the learned counsel for the petitioner and learned counsel appearing on behalf of the respondents.



4. It is seen from records that the case of the petitioner will squarely fall under clause 4 (h) and 4 (i) of the prospectus. If the petitioner submits an undertaking as required under Clause 4(i) of the Prospectus, her candidature could have been considered during the academic year 2020-2021. It is informed by the learned counsel for the petitioner that the petitioner has taken the NEET examination for this academic year viz., 2021-2022.

5. This Court cannot grant the relief as sought for in this writ petition. However, in view of the finding given by this Court that the petitioner's candidature can be considered in line with clause 4(h) and 4(i) of the Prospectus, the same will be taken into consideration if the petitioner is called for counselling during this academic year 2021 - 2022. To that extent, the interest of the petitioner is safeguarded.

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

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

rka

To

1.The Principal Secretary to Govt
Department of Medical Education (higher education),
Secretariat, Chennai 600 009.

2.The Chairman,
National Medical Commission, Section - 8 ,
Pocket - 14, Phase - I, Dwaraka,
New Delhi - 110070.

3.The Secretary,
Medical Council of India, Section - 8,
Pocket - 14, Phase - I, Dwaraka, New Delhi - 110070.



4.The Director,
Medical Council of India, Section - 8,
Pocket - 14, Phase - I, Dwaraka,
New Delhi - 110070.

WEB COPY

5.Medical Counseling Committee
(MCC) Government of India Directorate of
General Health Services Ministry of Health
and Family Welfare Nirman Bhawan, New Delhi.

6.The Secretary
The Selection Committee
Directorate of Medical Education
No. 162 Periyar EVR
High Road Kilpauk Chennai.

+1cc to M/s.A.Muruganandam, Advocate, S.R.No.53466

+1cc to Dr.D.Simon, Advocate, S.R.No.53779

W.P.No.1456 of 2021

GSM(CO)
SB(27/10/2021)