

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:17.03.2021

Coram

The HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.Nos.3367 of 2021
and
W.M.P.Nos.3838 of 2021

Minor SP.Shree Harini
Rep.By his Father and Natural Guardian
G.Saravanakumar

...Petitioner

Vs.

- 1.Union of India,
Rep by its Secretary to Government,
Ministry of Health and Family Welfare,
Nirman Bhavan, New Delhi.
- 2.National Testing Agency,
Rep by TSG, NEET Unit,
Additional Blocl C-20/1A8, Sector 62,
Noida, Uttar Pradesh.
- 3.The Board of Governors,
National Medical Commission,
Pocket 14, Sector 8, Dwaraka, Phase - 1,
New Delhi - 110 077, India.
- 4.The Central Board of Secondary Education,
Shiksha Kendar, No.2,
Community Centre,
Preet Vihar, New Delhi.

...Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the order dated 22.08.2019 and 18.11.2019 of the third respondent herein, quash the same and consequently direct the respondents 1 to 3 herein to permit the petitioner to sit for the NEET 2021 examination without insisting for completion of 17 years as on December 2021.

For Petitioner ..	Ms.A.L.Gandhimathi
For Respondents..	Mr.R.P.Pragadish, CGSC (for R.1) Mrs.Shubharanjani Anand, SC (for R.2) Mr.V.P.Raman, (for R.3)

ORDER

Challenging the orders of the third respondent herein dated 22.08.2019 and 18.11.2019 and for a consequential direction to the respondents 1 to 3 herein to permit the petitioner to sit for the NEET 2021 examination without insisting for completion of 17 years as on December 2021, this Writ Petition has been filed.

2. The petitioner was born in the year 2005 and since her birth she was having I.Q. of superior range and when she was 2 years of age, she was referred to neuro-psychological assessment by a Psychologist and her mental age was found to be 4 to 6 years and I.Q. was 169. She was ranked as school topper in her 10th Standard examination. She has completed +2 examination in March, 2021 at the age of 16. As per the regulations of the NEET UG 2021, a candidate who appears in the NEET Examination should have completed 17 years as on December, 2021.

3. The petitioner, through her father, made a representation to the respondents on 30.07.2019, stating that she is lacking 4 months 5 days in age to appear for NEET 2021, since she was double promoted and hence requested the respondents to consider her age relaxation as an extraordinary case and permit her to sit for NEET 2021. The first respondent has forwarded her representation to the second respondent and the second respondent, by order dated 22.08.2019, passed an order rejecting the claim made by petitioner stating that as per MCI Graduate Medical Education Regulation, 1997, a candidate who is less than 17 years of age cannot appear for NEET Examination.

4. The learned counsel for the petitioner would submit that as a student of extraordinary intelligible capacity, if the petitioner is compelled to wait for a period of one year, her entire career will be affected.

5. This Court paid its anxious consideration to the rival submissions made and perused the materials available on record.

"People should go to University and College, when they are ready, not when they are old enough to go."

6. Before venturing into the merits of the case, this Court would like to remind of the recent happenings around the world, viz., a nine year old boy, namely, Laurent Simons, who is all set to become the youngest person to complete a graduation degree. The little genius, who is half Belgian and half Dutch, has an IQ of at least 145 and will complete his degree in electrical engineering in December from Eindhoven University of Technology (TUE). Similarly, a 15 year old Indian American boy, namely, Tanishq Abraham, is about to

become the Youngest Biomedical Engineer in USA. Even at the age of five, this kid enrolled for Stanford University's Education Program for Gifted Youth (EPGY). At the age of nine, he was the youngest NASA speaker and in fact, his essays were published on NASA's lunar science website.

7. Now, coming to the case on hand, the petitioner has completed All India School Secondary Examination in 2019 and +2 in March, 2021 at the age of 16. In order to pursue her medical dream, after completing her +2 examinations, she prepared to appear in the NEET UG 2021. But, since the petitioner has not completed the age of 17 years, which is the minimum qualifying age for appearing in the NEET Examination, her case was rejected.

8. It appears that even at the age of 2 years and 8 months, she was having an I.Q. of 169 and her mental age was 4 years six months. As per Neuro Psychological Report by a Clinical Neuro Psychologist, her I.Q. was 143. Under such circumstances, this Court is of the view that her candidature can be considered and she can be permitted to sit in the NEET Examination. In fact, she is asking for a chance to appear in the entrance examination and not for a seat in the medical course, straight away.

9. In view of the above, this Court disposes of this Writ Petition by referring the petitioner to The National Institute of Mental Health and Neuro Sciences (NIMHANS), Bangalore, Karnataka, which is the apex centre for mental health, to analyse her I.Q. and thereafter, if she is eligible to appear in the NEET UG 2021 examination, she may be permitted to sit in the examination. The aforesaid exercise shall be completed within a period of eight weeks from the date of receipt of copy of this order. Registry is directed to serve a copy of this order to NIMHANS, Bengaluru, Karnataka.

10. With the above observations, this Writ Petition stands disposed of. No costs. Consequently the connected miscellaneous petition is closed.

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Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

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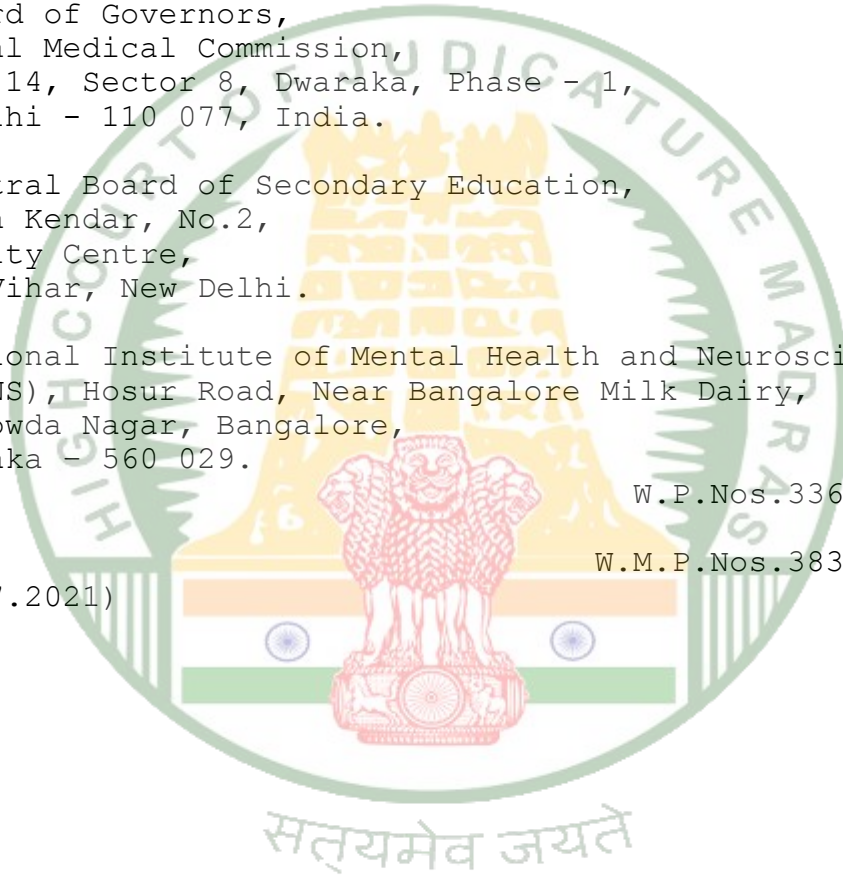
To

- 1.Union of India,
The Secretary to Government,
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- 2.National Testing Agency,
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New Delhi - 110 077, India.
- 4.The Central Board of Secondary Education,
Shiksha Kendar, No.2,
Community Centre,
Preet Vihar, New Delhi.
- 5.The National Institute of Mental Health and Neurosciences
(NIMHANS), Hosur Road, Near Bangalore Milk Dairy,
Hombegowda Nagar, Bangalore,
Karnataka - 560 029.

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A.SK(05.07.2021)



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