

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 19.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.No. 7385 of 2021

M.Thaslima Nasrin

...Petitioner

Vs.

- 1.The Government of Tamil Nadu,
rep. By its Principal Secretary,
Health and Family Welfare (IM-2) Department,
Fort St.George, Chennai - 600 009.
- 2.The Commissioner of Indian Medicine and Homeopathy,
Arumbakkam, Chennai - 600 106.
- 3.The Selection Committee represented
by its Secretary, Directorate of Indian
Medicine and Homeopathy,
Arignar Anna Government Hospital Campus,
Arumbakkam, Chennai - 600106.
- 4.The Government of India,
rep. By its Secretary,
Ministry of Ayurveda, Yoga & Naturopathy,
Unani, Siddha and Homeopathy,
Ayush Bhavan, B-Block, GPO Complex,
INA, New Delhi - 110023.
- 5.The Tamil Nadu Dr.M.G.R. Medical University
rep. By its Registrar, 69 Anna Salai, Guindy,
Chennai - 600032.

..Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus, directing the respondents herein to grant permission to the petitioner to join BSMS, BHMS or BAMS course against lapsed seat vacancies in any of the Government or Self Financing college in the State of Tamil Nadu for the academic year 2020-2021.

For Petitioner : Mr.Muthumani Doraisami

For Respondents : Mrs.P.Kavitha, GA for R1
Mr.V.Kadhirvelu,
Spcl. Govt. Pleader for R2 & R3
Mr.B.Rabu Manohar, SCGC
for R4
Mr.S.Wilson for R5

O R D E R

The petitioner, who completed the secondary course with 493 marks out of 609 in the NEET examination has come up with this writ petition seeking to grant permission to join BSMS, BHMS or BAMS course against lapsed seat vacancies for the academic year 2020-2021.

2. As per the earlier prospectus issued by the AYUSH Ministry for the courses conducted for Indian Medicine, the required marks have been prescribed as 40% in the NEET Examination and therefore, the petitioner who is having only 31% in the NEET examination is not eligible as per the earlier notifications and therefore, the petitioner did not apply for the same. However, considering the pandemic situation, the Ministry of AYUSH has issued a circular for the admission of under graduate courses and post graduate courses in ASU & H College for the academic year 2020-2021, modifying the earlier requirement of minimum 40% in NEET examination by reducing it to 30% for the candidates from SC, SCT and OBC categories. By referring the said circular dated 15.01.2021, the petitioner has filed this writ petition.

3. Mr.B.Rabu Manohar, learned counsel for the 4th respondent on instructions would submit that as per the modifications, the petitioner is entitled for an admission in the Indian Medicine Course for this academic year and he would further submit that the Ministry of AYUSH has also extended the date of admission in AYUSH under graduate and post graduate courses upto 31.03.2021 for the academic year 2020-2021. However, this decision has been taken by the AYUSH Ministry by reducing existing qualification as 30% from 40% only on 15.01.2021 and therefore, the petitioner has not applied for the same.

4. Considering the pandemic situation, the qualification has been reduced, the petitioner is now eligible for admission therefore, the respondents are directed to receive the

application from the petitioner as per the new guidelines issued by the ministry on 15.01.2021 and permit the petitioner for counselling. The 4th respondent shall also extend this benefit to all other similar students, who are eligible as per the notification dated 15.01.2021.

5. With the above directions, this writ petition is allowed.
No costs.

Sd/-
Assistant Registrar(insp cell)

//True Copy//

Sub Assistant Registrar

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To:

- 1.The Principal Secretary,
Government of Tamil Nadu,
Health and Family Welfare (IM-2) Department,
Fort St.George, Chennai - 600 009.
- 2.The Commissioner of Indian Medicine and Homeopathy,
Arumbakkam, Chennai - 600 106.
- 3.The Secretary,
Selection Committee,
Directorate of Indian Medicine and Homeopathy,
Arignar Anna Government Hospital Campus,
Arumbakkam, Chennai - 600106.
- 4.The Secretary,
Government of India,
Ministry of Ayurveda, Yoga & Naturopathy,
Unani, Siddha and Homeopathy,
Ayush Bhavan, B-Block, GPO Complex,
INA, New Delhi - 110023.
- 5.The Registrar,
Tamil Nadu Dr.M.G.R. Medical University
69, Anna Salai, Guindy,
Chennai - 600032.

+1cc to Mr.Muthumani Doraisami , Advocate SR.No. 18041
+1cc to Mr.B.Rabu manohar, Advocate SR.No. 17976
+1 cc to Government Pleader Sr.No. 18433

W.P.No. 7385 of 2021

A.SK(22.03.2021)