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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.08.2021

CORAM

THE HON'BLE MR.JUSTICE M.M.SUNDRESH
and
THE HON'BLE MRS.JUSTICE S.KANNAMMAL

W.A.No.2053 of 2021
and
C.M.P.No.13035 of 2021

G.A.Vishwajeet

.. Appellant

Vs

1. Union of India

Rep. By its Secretary to Government,
Ministry of Health and Family Welfare,
Nirman Bhavan, New Delhi - 110 011.

2. National Board of Examination in Medical Sciences,

Rep. By its Executive Director,
NAMS Building Medical Enclave,
Ansari Nagar, Ring Road, New Delhi.

3. The Secretary,

National Medical Commission,
Pocket 14, Sector 8, Dwarakha Phase I,
New Delhi - 110 077.

.. Respondents

Appeal filed under Clause 15 of Letters Patent against the order dated 09.08.2021 made in W.P.No.16526 of 2021.

Prayer in W.P.No.16526 of 2021:

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of certiorarified Mandamus to call for the records in pursuant to the impugned clause 4.1 of the information bulletin for NEET PG 2021 issued by the 2nd respondent in so far as it fixes 30th June 2021 as the cut off date for completing the one year mandatory compulsory Rotatory Residential Internship (CRRI) as eligibility criteria to appear for NEET PG 2021 and quash the same and consequently direct the respondents to extend the cut off date for completing the one year mandatory compulsory Rotatory Residential Internship (CRRI) to 31st of October 2021 and to further direct the respondents to permit the petitioner to participate in the NEET PG 2021 examination by considering the petitioners representation dated 16.07.2021.



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For Appellant : Mr.L.Chandrakumar
For Respondents : Mr.K.Srinivasamoorthy for R1
Mr.R.Thirunavukarasu for R2
Ms.Shubharanjani Ananth for R3

JUDGMENT
(Delivered by M.M.SUNDRESH, J.)

The appellant, who is an aspiring candidate for the NEET examination scheduled to be held on 11.09.2021 seeks to challenge the impugned clause 4.1 of the Information Bulletin for NEET-PG 2021 insofar as it fixes 30.09.2021 as the cut-off date for completion of one year of mandatory Compulsory Rotatory Residential Internship (CRRI).

2. In view of the pandemic situation, the NEET examination was postponed. The cut-off date for completion of Compulsory Rotatory Residential Internship (CRRI) was originally fixed as 30.06.2021 for the examination scheduled to be held on 18.04.2021. Due to the postponement of the examination scheduled to be held on 11.09.2021, the completion of CRRI has been extended to 30.09.2021.

3. Learned counsel appearing for the appellant submitted that the appellant is the only candidate and on the earlier occasion, extension was given for about 45 days. He has further submitted that if 45 days are granted even this time, then the appellant would be eligible to write the examination and what the appellant seeks is only to write the examination.

4. Learned counsel appearing for the second respondent produced the following instructions:

"The petition has been examined and the office comments are as under:

The candidate has started his/her internship in October 2020 as he/she could not qualify some of the subjects of Final MBBS and qualified the same only by September 2020. Accordingly, his/her internship is scheduled to be completed in October 2020. The petitioner has requested to extend the cut-off for internship completion to 31.10.2021.

In terms of the Clause 4.1 of the Information Bulletin for NEET-PG 2021, "Candidates in



The NEET-PG 2021 result is scheduled to be declared by 30.09.2021 and the counselling process may start from 01.10.2021. Therefore, once the counselling process starts, the candidate's participation should not be subject to conditions like completion of internship by a future date. In case if the internship completion cut-off date is extended to 31.10.2021, a candidate who opts for a PG seat but later fails to complete the internship by 31.10.2021 will only cause a loss to a prestigious PG seat."



5. From the instructions given, it appears that the result is scheduled to be declared by 30.09.2021 and the counselling process is starting from 01.10.2021. The request for extension of cut-off date was already considered facilitating the candidates to finish CRRI on or before 30.09.2021.

6. As the said decision has been made by taking into consideration the relevant materials by the second respondent, this Court cannot sit on appeal over the same. As rightly held by the learned Single Judge, extending the cut-off date does not lie within the realm of this Court. The extended date has been given as 30.09.2021 on a conscious consideration of the relevant materials.

7. In view of the same, we do not find any error in the order passed by the learned Single Judge and the writ appeal stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-III)

// True Copy//

Sub Assistant Registrar

mmi/ssm

To

1. The Secretary to Government,
Ministry of Health and Family Welfare,
Nirman Bhavan, New Delhi - 110 011.
2. The Executive Director,
National Board of Examination in Medical Sciences,
NAMS Building Medical Enclave,
Ansari Nagar, Ring Road, New Delhi.
3. The Secretary,
National Medical Commission,
Pocket 14, Sector 8, Dwarakha Phase I,
New Delhi - 110 077.

+1cc to M/s.L.Chandrakumar, Advocate, S.R.No.40942
+1cc to M/s.Shubharanjani Ananth, Advocate, S.R.No.41412

W.A.No.2053 of 2021

RP(CO)
SU(07/09/2021)