



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.11.2021

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P.No.24965 of 2021

and

W.M.P.No.26280 of 2021

A.Smiley,  
Rep by her Father and Natural Guardian  
C.Abraham Joseph

.. Petitioner

Vs.

1.The Director General Ministry of Education,  
Government of India NTA NEET (UG),  
C-20, 1A/8 Sector 62,  
ITTK Outreach Center,  
Noida - 201 309

2.The National Medical Commission,  
Rep by its Secretary,  
Pocket 14, Sector - 8,  
Dwaraka, New Delhi 110 077.

3.The District Collector,  
Collectorate, Udhagamandalam 643 001,  
The Nilgiris, Tamil Nadu.

4.The Tahsildar,  
Coonoor Taluk, Coonoor,  
The Nilgiris, Tamil Nadu, India.

.. Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, for issuance of Writs of Mandamus, directing the respondents to change General Category into other backward class category so as enable to get M.B.B.S admission to the petitioner's daughter in Kuban State Medical University, Russia (Duration of course is six years), in accordance with merit and based on the marks secured by the petitioner in NEET (UG)-2021 under quota in OBC Category, based on the representation submitted by the petitioner dated 08.11.2021.



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For Petitioner : Mr.P.Ganesan

For Respondents : Mr.Venkatasamy Babu, Standing Counsel  
for R1  
: Ms.Sunitha Kumari, Standing Counsel  
for R2  
: Mr.U.Baranidharan, GA for RR3 & 4

O R D E R

This writ petition has been filed to direct the respondents to change General Category into other Backward Class Category so as to enable to get M.B.B.S admission to the petitioner in Kuban State Medical University, Russia (Duration of the course is six years), in accordance with merit and based on the marks secured by the petitioner in NEET (UG)-2021 under quota in OBC Category, based on the representation submitted by the petitioner dated 08.11.2021.

2. The case of the petitioner is as follows:

(i) The petitioner has completed her 12<sup>th</sup> STD in The Nilgiris and secured 86.6%. She has applied for 2021 NTA NEET (UG) Exam. According to the petitioner, she belongs to BC Community. But, inadvertently, she has entered in the application as General Category. She attended the examination and secured 137 marks in the NEET examination.

(ii) After attending the NEET Examination, she has decided to pursue her MBBS degree in Kuban State Medical University, Russia. For the said purpose, she require her category should be entered as OBC in the NEET Exam application. Therefore, she approached the respondents with representation dated 08.11.2021, to change her category from General to Other Backward Class category, in order to enable her to get MBBS admission in Kuban State Medical University, Russia. Since no action has been forthcoming from the respondents, the petitioner is before this Court with the above prayer by way of this writ petition.

3. The learned counsel for the petitioner submitted that this Court may issue a necessary direction to the respondents to consider his representation dated 08.11.2021 within the time as fixed by this Court.

4. The learned Standing Counsel appearing on behalf of the respondents submitted that the representation will be considered and necessary orders will be passed on merits and in accordance with law.



5. Considering the facts and circumstances of the case and also submissions made by the Learned Counsel appearing on either side, this Court directs the Respondents to consider and dispose of the representation submitted by the petitioner dated 08.11.2021, within a period of four weeks from the date of receipt of a copy of this order.

6. With the above direction, this Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is also closed.

Sd/-  
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

Rli

To

1.The Director General Ministry of Education,  
Government of India NTA NEET (UG),  
C-20, 1A/8 Sector 62,  
ITTK Outreach Center,  
Noida - 201 309

2.The Secretary,  
The National Medical Commission,  
Pocket 14, Sector - 8,  
Dwaraka, New Delhi 110 077.

3.The District Collector,  
Collectorate, Udhagamandalam 643 001,  
The Nilgiris, Tamil Nadu.

4.The Tahsildar,  
Coonoor Taluk, Coonoor,  
The Nilgiris, Tamil Nadu, India.

+1 cc to Mr.P.Ganesan, Advocate Sr.NO. 60528  
+1 cc to Ms.Sunitha Kumari, Advocate Sr.NO. 60510  
+1 cc to Government Pleader Sr.NO. 60664

W.P.No.24965 of 2021 and  
W.M.P.No.26280 of 2021

GSM(CO)  
A.SK(06.01.2022)