



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.12.2021

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P.No.27127 of 2021

and

W.M.P.No.28601 of 2021

R. Rithika

... Petitioner

vs.

1. The Government of India,
rep. By its Secretary,
Department of Health and Family Welfare,
Ministry of Health & Family Welfare,
Room No.348, 'A' Wing,
Nirman Bhavan,
New Delhi - 110 011.
2. National Testing Agency
(Government Agency),
IITK Outreach Centre, C.20,
1A/8, 'C' Block, Phase - 2,
Industrial Area, Sector 62,
Noida, Uttar Pradesh.
3. The Associate Dean for Graduate
Medical Education (ADGME),
NEET 2021 - 3rd Floor,
Nirman Bhavan,
New Delhi - 110 001.
4. The National Medical Commission,
rep. By its Chairperson,
Sector 8, Pocket 14, Phase-I,
Dwarka, New Delhi - 110 077.
5. The Selection Committee,
Directorate of Medical Education,
Kilpauk,
Chennai 600 010.

... Respondents



Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the Respondents to forthwith change the category of the Petitioner from "Unreserved" to OBC (Other Backward classes) in her Application No.210410335570 and consequently direct the Respondents to issue necessary Certificate according to the Eligibility category of the Petitioner.

For Petitioner :Mr.K.Selvaraj

For Respondents 1 & 3 :Ms. M.E. Saraswathy,
Senior Panel Counsel

For 2nd Respondent :Ms.Sunita Kumari

For 4th Respondent :Ms.Subharanjani

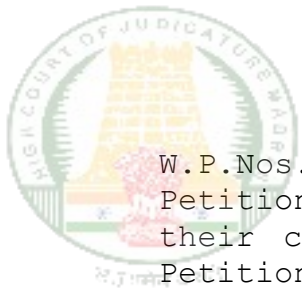
For 5th Respondent :Mr.U.Baranidharan,
Addl. Government Pleader

O R D E R

Petitioner has come up with this Writ Petition seeking a direction to the Respondents to forthwith change her category from "Unreserved" to OBC in her Application No.210410335570 and for a consequential direction to the Respondents to issue the Certificate according to her Eligibility category.

2. According to the Petitioner, she belongs to Reddy kanjam Community and the competent Authority has also issued Backward Class Community Certificate to her in Certificate No.127/2012. She passed Higher Secondary Course Examination in May 2021. On 13.08.2021, she submitted her Online Application to write NEET (UG) 2021 - Entrance Test and she also wrote the NEET Examination. On 01.11.2021, NEET results were published and the Petitioner obtained the Score Card, wherein, her category was shown as "UR" (General) instead of "OBC" at which time, the petitioner came to know that the mistake was on the part of the browsing centre through whom she submitted her online application for the aforesaid examination. On 15.11.2021, she submitted a representation to the Respondents requesting to rectify the mistake. As there is no response from the Respondents till date, having no other alternative, the Petitioner has come up with the above Writ Petition.

3. Learned counsel for the Petitioner submitted that, when a similar issue came up for consideration in



W.P.Nos.29834 and 22204 of 2018, this Court allowed the said Writ Petitions, by allowing similarly situated candidates to change their category from "UR" to "OBC". However, a batch of Writ Petitions for the same relief in respect of MBBS/BDS Course was dismissed by this Court in W.P.No.16679 of 2020, etc. batch on 30.11.2020. Two Writ Petitioners in the said batch filed Writ Appeal Nos.1109 and 1110 of 2020 and a Division Bench of this Court, by a judgment dated 11.12.2020, passed the following order:

"5. Subject to the aforesaid, we direct the concerned Respondents/Authorities to give an opportunity to the present Writ Appellants A.Adarsh and V.S.Gayathri also to participate in the mop-up counselling procedure which is said commencing from Monday 14.12.2020 and allot them Seat/Admission in the Colleges by permitting them to change their category from 'Unreserved' to "OBC".

4. Learned counsel appearing for the Respondents has no objection to the submissions made by the learned counsel for the Petitioner.

5. As a similar issue came up for consideration before the Division Bench of this Court and the Court allowed similarly situated candidates to change their category from 'Unreserved' to "OBC", this Court directs the Respondents herein to permit the Petitioner to participate in the mop-up counselling said to commence in the future and allot her a seat in the Colleges by permitting her to change her category from 'Unreserved' to "OBC".

The Writ Petition is disposed of accordingly. No costs. Consequently, connected W.M.P.No.28601 of 2021 is closed.

Sd/-

Assistant Registrar(CS-III)

// True Copy //

Sub Assistant Registrar

NHS



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To:

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Ministry of Health & Family Welfare,
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5. The Selection Committee,
Directorate of Medical Education,
Kilpauk,
Chennai 600 010.

+2cc to Mr.K.Selvaraj, Advocate SR.No.68421

+1cc to Ms.Sunita Kumari, Advocate SR.No.67710

+1cc to the Government Pleader, SR.No.68321

W.P.No.27127 of 2021

and

W.M.P.No.28601 of 2021

SVI (CO)

CB(10/01/2022)