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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.01.2022

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.1408 of 2022

in

W.M.P.Nos.1553, 1555 and 1557 of 2022

1. Gidla Bala Surya Chandra
2. Grandhi Sai Surya Prasanth aged 17 years,
Rep. By his father and Natural Guardian G.Subba Rao
3. Adapa Sri Pramodhini aged 17 years,
Rep. By her father and Natural Guardian A.Veera Venkata Rao
4. Anisetty Navadheer Reddy
5. Thotta Sri Sathya Prasanthi ... Petitioners

Vs.

1. Union of India,
Rep. By its Secretary,
Ministry of Health and Family Welfare,
Room No.156-A, "A" Wing,
Nirman Bhavan, New Delhi-110 011.
2. The Medical Counselling Committee,
Rep. By its Assistant Director General (ME),
Directorate General of Health Service,
Government of India,
Nirman Bhawan, New Delhi-110108.
3. The National Medical Commission,
Rep. By its Secretary,
Pocket-14, Sector-9, Dwaraka Phase-I,
New Delhi-110 077.
4. Jawaharlal Institute of Postgraduate Medical Education
and Research (JIPMER),
Rep. By its Dean (Academic)
Puducherry-605 006.



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5. The Director cum Nodal Officer (NEET),
Government of Puducherry,
Directorate of Health and Family Welfare Services
(Medical Education),
Puducherry.

6. National Testing Agency,
Rep. By its Chairman,
Noida-201309.

... Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents 2 to 5 to consider and include the petitioners in the 1st round of counselling for admission to the MBBS Course under the JIPMER Puducherry Internal (Domicile) quota pursuant to the All India NEET Examination 2021 results published by the 6th respondent and to consequently direct the respondents to allot seats in the MBBS Course.

For Petitioners : Mr.N.G.R.Prasad, Standing Council
for Row and Reddy

For Respondent R1 and R2 : Mr.Janarthanan, SPCGC

For Respondent R3 : Mrs.Suba Sivaranjani

For Respondent R4 and R6 : Mrs.Sunita Kumari

For Respondent R5 : Mr.C.T.Ramesh,
Additional Government Pleader,
Pondicherry.

O R D E R

The petitioners have filed this writ petition seeking issuance of Writ of Mandamus to direct the 2nd and 5th respondents to consider and include the petitioners in the Round of Counselling for admission to the MBBS course under the JIPMER Puducherry internal (Domicile) quota.

2. Mrs.Sunita Kumari takes notice for the Respondents R4 and R6. Mr.Janarthanan takes notice for Respondents R1 and R2. Mrs. Subharanjini Anand takes notice of Respondent R3. Mr.C.T.Ramesh, Additional Government Pleader, Pondicherry takes notice of Respondent R5.



3. With the consent of the learned counsel on either side, the main Writ Petition itself is taken up for final disposal.

4. The case of the petitioners is that the petitioners were born in Yanam and their parents also belong to the same and are domiciled under Puducherry Union Territory for more than 5 years. The petitioners did their schooling in Yanam upto 10th standard and 11th and 12th standard in Andhra Pradesh/Telangana and are qualified to apply for the 50 seats reserved for the Pondicherry Union Territory domicile quota in JIPMER/4th respondent for the Medical Admission. All the petitioners applied for the NEET Examination 2021 conducted by the 6th respondent/National Testing Agency following which, the petitioners participated and passed the exam with reasonably good marks. As per the schedule published by the 2nd respondent Medical Counselling, is fixed between 20th to 25th January 2022 on which dates the window would be opened in their website enabling the candidates to choose and lock the seat in the respective Colleges/Universities and in respective category, which includes JIPMER internal quota. Unfortunately, the window for choosing the seats in JIPMER meant for internal candidate (domicile category) quota did not open for the Writ Petitioners, as a result they were not able to choose the JIPMER internal quota seats and found that their names were missing in the list of students of Puducherry published by the 2nd respondent. Thereafter, they immediately brought this to the notice of the 2nd respondent vide representation dated 22.01.2022. The 2nd respondent overlooked the definition of domicile as per the JIPMER letter dated 06.10.2021 and admits that the petitioners could be considered for internal quota in the 2nd round of counselling. Since, the petitioners could not lock their preference, this Writ Petition has been filed.

5. The learned counsel appearing for the petitioners submit that admittedly the petitioners are resident of Union Territory of Puducherry and earlier they did their schooling in Yanam upto 10th standard and 11th and 12th standard in the nearby State Telangana adjacent to Yanam. Since, the petitioners name were are included in the list for the 1st round of counselling, the petitioners and some students made a representation dated 24.01.2022 to the Pondicherry Government and the same was genuinely forwarded to 2nd respondent for consideration of their names in domicile quota for JIPMER medical counselling scheduled on 20th to 24th January 2022. Therefore, this Court may issue direction to the 2nd respondent to include the names of the petitioners and other eligible candidates in Union Territory of Puducherry NEET list under domicile category and thereafter conduct the counselling.



6. Mr. Janarthanan, learned counsel appearing for the 1st and 2nd respondent submits that already the counselling procedure has started and the process is going on. Now, the 2nd respondent will not be able to include the names of the petitioners within a short span of time since, the deadline has been fixed for counselling. However, the 2nd respondent is ready to comply with the order that may be passed by this Court.

7. Mrs. Subharanjini Anand, learned counsel appearing for the 3rd respondent submits that the deadline fixed by the Supreme Court is not for the present academic year.

8. In view of the above admittedly the list of 44 students from Yanam region of Union Territory of Puducherry was forwarded to JIPMER and without considering the letter dated 24.01.2022 that was sent by Pondicherry Government, the 2nd respondent has published the list which is not sustainable. When the persons of pondicherry domicile are eligible for the quota, under the domicile category in JIPMER, dis entitling them from the same on the error committed by the respondents and pleading any technicality is impermissible.

9. For the reasons aforesaid, the 2nd respondent is directed to include the names of the eligible candidates in the Medical quota and to publish fresh list on or before 04.02.2022 and thereafter proceed with the counselling process.

10. This Writ Petition is disposed of with the aforesaid direction. No cost. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar (CS IV)

True Copy//

Sub Assistant Registrar

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To

1. The Secretary,
Union of India,
Ministry of Health and Family Welfare,
Room No.156-A, "A" Wing,
Nirman Bhavan,
New Delhi-110 011.



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2. The Assistant Director General (ME),
The Medical Counselling Committee,
Directorate General of Health Service,
Government of India,
Nirman Bhawan, New Delhi-110108.
3. The Secretary,
The National Medical Commission,
Pocket-14, Sector-9, Dwaraka Phase-I,
New Delhi-110 077.
4. The Dean (Academic)
Jawaharlal Institute of Postgraduate Medical Education
and Research (JIPMER),
Puducherry-605 006.
5. The Director cum Nodal Officer (NEET),
Government of Puducherry,
Directorate of Health and Family Welfare Services
(Medical Education),
Puducherry.
6. The Chairman,
National Testing Agency,
Noida-201309.

+2ccs to Mrs.Sunita Kumari, Advocate, S.R.No.4837
+1cc to M/s.Row and Reddy, Advocate, S.R.No.4884
+1cc to the Government Pleader(Puducherry) Sr.No.5455(21/03/2022)

W.P.No.1408 of 2022
in
W.M.P.Nos.1553, 1555 and 1557 of 2022

VSN-II[co]
NSK 28/01/2022