



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.03.2022

CORAM

THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P.No.4345 of 2022

and

W.M.P.Nos.4464 & 4465 of 2022

Thaarani Sakthivel (Minor aged 17 years),  
Rep. by her Father and Natural Guardian,  
R.Sakthivel,  
S/o.K.Ramaiah  
No.M37-M43, Emerald Enclave,  
Block-3, Flat - 4N,  
P.T.Rajan Salai, K.K.Nagar,  
Chennai - 600 078.

...Petitioner

Vs

- 1.The State of Tamil Nadu,  
Rep. by its Principal Secretary to Government,  
Health and Family Welfare Department,  
Secretariat, Fort St.George,  
Chennai - 600 009.
- 2.The Director of Medical Education,  
Kilpauk,  
Chennai - 600 010.
- 3.The Secretary,  
Selection Committee,  
Directorate of Medical Education,  
Kilpauk, Chennai - 600 010.
- 4.The National Medical Commission,  
Rep. by its Secretary,  
Pocket 14, Sector-8,  
Dwaraka, New Delhi - 110 077.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, Directing the respondents to consider the Petitioner for admission to MBBS/BDS course based on the prospectus issued by the 3<sup>rd</sup> respondent Selection Committee dated 19.12.2021, under NRI quota as Overseas Citizenship of India Card Holder, by permitting the



Petitioner to participate in the counselling based on the marks secured in National Eligibility cum Entrance Test - Under Graduate - 2021.

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For Petitioner : Mr.J.Jayamalan  
For Respondents : Mr.C.Jayaprakash  
Government Advocate

## O R D E R

Read this order in conjunction with order dated 24.02.2022, which is extracted below:

"In brief, the name of the petitioner was included in the provisional rank list for MBBS 2021-22 session. The list dated 25.01.2022 has been issued for management quota including NRI. Admittedly, the application of the petitioner is only for NRI quota and there is no dispute on this aspect put forth by the learned Special Government Pleader.

2.While this is so, when the finalized list was issued on 22.02.2022, the name of the petitioner did not figure therein, aggrieved with which the petitioner is before the Court by way of this writ petition.

3.The petitioner is a holder of the Overseas Citizenship of India Card (OCI Card) and learned Special Government Pleader fairly accepts the position that OCI card holder would fall within the NRI quota.

4.However, he has now received instructions, at the eleventh hour, to state that the NRI certificate has not accompanied the application form. This objection does not contain any merit as the petitioner is, admitted not an NRI.

5.That apart, the fact that the name of the petitioner figured in first list dated 25.01.2022 reveals that there was no defect found in her application at the first instance.

6.Mr.D.Ravichander, learned Special Government Pleader seeks a days' time to respond.

7.However, since prima facie case has been made out by the petitioner and counselling is on-going presently till 5.00 p.m. today, Mr.D.Ravichander will convey the direction of this Court to the authorities to conduct counselling qua



the petitioner as well.

8. List this matter on 28.02.2022 at the end of the admission list."

2. Mr.J.Jayamalan, learned counsel appearing for the petitioner would concur with the submission made by Mr.C.Jayaprakash, learned Government Advocate to the effect that the petitioner has participated in the counselling and has been placed in an MBBS seat in PSG Institute of Medical Science, Coimbatore. The details of provisional List of Candidates allotted on 17.03.2022 for MBBS NRI QUOTA 2021-2022 Session is circulated when the petition figures at serial number (7).

3. Recording the same, this Writ Petition is closed. No costs. Consequently, connected Writ Miscellaneous Petitions are also closed.

Sd/-  
Assistant Registrar

//True Copy//

Sub Assistant Registrar

Jeni/Kak

To

1.The Principal Secretary to Government,  
Health and Family Welfare Department,  
Secretariat, Fort St.George,  
Chennai - 600 009.

2.The Director of Medical Education,  
Kilpauk, Chennai - 600 010.

3.The Secretary,  
Selection Committee,  
Directorate of Medical Education,  
Kilpauk, Chennai - 600 010.

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

+1cc to the Government Pleader SR.No.19159

W.P.No.4345 of 2022

GPL(CO)  
GN(05/05/2022)