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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.03.2022

CORAM

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P.NO.5586 OF 2022

AND

W.M.P.NOS.5680 AND 5682 OF 2022

K.Midhun Adhitya

...Petitioner

Vs

1. The Selection Committee,
Directorate of Medical Education,
Rep. by its Secretary,
162, Periyar EVR High Road,
Kilpauk, Chennai - 600 010.
2. National Testing Agency,
Ministry of Education,
Department of Higher Education,
C-20 1A/8, IITK Outreach Centre,
Noida, Utter Pradesh - 201 309.
3. The Director,
NEET Examination,
Shiksha Kendra, 2, Community Centre,
Preet Vihar, Delhi - 110 092.
4. National Medical Commission
Pocket-14, Dwarka Phase-1,
New Delhi - 110 077.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records of the 2nd respondent in their E-mail dated 03.11.2021 and to quash the same as being illegal and unsustainable in law and for a consequential direction to the 1st respondent that the petitioner is eligible to be considered under the category of 'Backward Class' for admission to MBBS/ BDS course Session 2021-2022.



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For Petitioner	:	Ms.N.Kavitha Rameshwar
For R1	:	Mr.C.Jayaprakash, Government Advocate.
For R2 and R3	:	Ms.Sunitha Kumari Standing Counsel
For R4	:	Ms.Subaranjani Ananth Standing Counsel

O R D E R

Read this order in conjunction with order, dated 10.03.2022, which reads as follows:

"Mr. Jeyaprakash, learned Government Advocate accepts notice for R1, Ms.Sunitha Kumari, learned Standing Counsel accepts notice for R2 and R3 and Mr.Subaranjani Ananth, learned counsel accepts notice for R4 and all learned counsel seek some time to obtain instructions and file a counter.

2. The petitioner has sought admission to a medical college in the State of Tamil Nadu on the basis of his performance in the NEET examination. The petitioner maintains that his application for the NEET examination was perfectly in order, specially in regard to the category under which he had applied, being BC. The requisite certificates had also been annexed along with the form.

3. However both the admit card as well as the score card issued by the National Testing Agency/R2, reflects his category as 'General'.

4. Aggrieved with the categorization of his application under the 'General category', the petitioner has approached this Court stating that his eligibility should be considered by the State Selection Committee i.e. R1, in the category of BC as sought for by him.

5. Mr.Jayaprakash, learned Government Advocate circulates a Position Note executed by the Junior Administrative Officer, Selection Committee, which states as follows:



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1. It is humbly submitted that the Hon'ble Court in the W.P.No.5586 of 2022 filed by the petitioner, K.Midhun Adhithya has prayed to the 1st respondent that the petitioner is eligible to be considered under the category of "Backward Classes" for admission to MBBS/BDS Courses session 2021-2022 session.

2. It is respectfully submitted that the petitioner has scored 133 marks out of 720 in NEET UG-2021. His application number is 812259 and his community rank is 10689. The petitioner has prayed the Hon'ble Court to direct the respondents 1 to consider under Backward Class community to participate in the counselling for MBBS/BDS Courses.

3. It is humbly submitted that based on the petitioner's application, he has been taken under BC category in Government Quota Merit List to admission to MBBS/BDS Courses for the year 2021-2022 session which was published on January 24, 2022.

4. It is respectfully submitted that the petitioner's have already been taken under BC category in Page No.775 of Government Quota Merit List to admission of MBBS/BDS Courses for the year 2021-2022 session.

In view of the above facts and circumstances stated, it is humbly prayed that this Hon'ble Court may be dismissed the Writ Petition No.5586 of 2022 and thus render justice.

6. He clarifies that based on the petitioner's application for admission to colleges made before the Selection Committee, he has been taken under BC category and his candidature will be considered in line with the prospectus and all rules and regulations as applicable to BC. This submission is recorded and with this, the purpose of this writ petition stands achieved. The petitioner will now be called upon for participation in counselling based on the marks obtained by him, and admission, as appropriate.

7. Separately, there is no consensus upon where and at whose end the mistake in regard to the status of the petitioner was occasioned. Learned counsel for R2 vehemently states that the mistake was



occasioned only at the end of the petitioner and not R2.

8. A decision upon this factual aspect requires the production of the original application form uploaded by the petitioner. Let records in regard to the petitioner's application be produced containing the application form.

9. List on 25.03.2022. Counter by then after service upon the petitioner."

2. Today, learned counsel for the petitioner would conceive to the position that upon perusal of original application form, that has been uploaded by the petitioner, and a copy of which is produced by Ms.Sunitha Kumari, learned Standing Counsel appearing for R-2 and R-3, it is ascertained that the petitioner is infact made a mistake in the form in regard to his categorization and stated "General" instead of "BC".

3. Thus, challenge to the order, in e-mail, dated on 03.11.2021 fails. With this, this Writ Petition stands dismissed. However, there shall be no orders as to costs. Connected Writ Miscellaneous Petitions are also closed.

4. As regards the eligibility of the petitioner for admission to MBBS/BDS in the State of Tamil Nadu, Mr.C.Jayaprakash, learned Government Advocate would submit that the process of counselling is on going and the candidature of the petitioner would be considered in line with his rank, in due course under the categorization basis.

Sd/-

Assistant Registrar(CS-IX)

//True Copy//

Sub Assistant Registrar

Jeni/Sd

To

1. The Secretary,
The Selection Committee,
Directorate of Medical Education,
162, Periyar EVR High Road,
Kilpauk, Chennai - 600 010.



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2. The National Testing Agency,
Ministry of Education,
Department of Higher Education,
C-20 1A/8, IITK Outreach Centre,
Noida, Uttar Pradesh - 201 309.

3. The Director,
NEET Examination,
Shiksha Kendra, 2, Community Centre,
Preet Vihar, Delhi - 110 092.

4. The National Medical Commission
Pocket-14, Dwarka Phase-1,
New Delhi - 110 077.

+1cc to M/s.Sunitha Kumari, Advocate, S.R.No.20468

+1cc to M/s.N.Kavitha Rameshwar, Advocate, S.R.No.20448

+1cc to the Government Pleader, S.R.No.21023

W.P.No.5586 of 2022

PMK(CO)
RLP(12/04/2022)