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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.03.2022

CORAM

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P.NO.6078 OF 2022

&

W.M.P.NO.6160 OF 2022

K.Sanjev Ganesh

... Petitioner

.Vs.

1. The Government of India,
Rep. by its Secretary,
Department of Health and Family Welfare,
Ministry of Health and Family Welfare,
Room No.348, 'A' Wing,
Nirman Bhavan,
New Delhi - 110 001.
2. The National Board of Examinations
in Medical Science,
Rep. by its Joint Director (Medical),
Medical Enclave, Ansari Nagar,
Mahatma Gandhi Marg,
Ring Road, New Delhi - 110 029.
3. The Associate Dean of Graduate
Medical Education,
The Directorate General of Health Services,
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.

... Respondents

PRAYER:-

Writ Petition filed under Article 226 of the Constitution of India praying to Writ of Mandamus, directing the Respondents to forthwith change the category of the Petitioner from "General



(UR)" to "OBC" (Other Backward Classes) in his Roll No.2166124694 and consequently direct the Respondent to issue necessary certificate according to the eligibility category of the petitioner.

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For Petitioner : Mr.K.Selvaraj

For Respondents : Mr.Subbu Ranga Bharthi
Central Government
Standing Counsel
For R1 & R3

: Mr.R.Thirunavukkarasu
For R2

: Ms.Subharanjani Ananth
For R4

O R D E R

Mr.Subbu Ranga Bharthi, learned Standing Counsel accepts notice for R1 and R3, Mr.R.Thirunavukkarasu, learned counsel accepts notice for R2 and Ms.Subharanjani Ananth, learned counsel accepts notice for R4 and all learned counsels are armed with sufficient instructions to proceed with the matter.

2. The petitioner is an aspirant for a medical seat in All India Counselling and had submitted an application to R2 in this regard, having appeared for the NEET PG Examination. When he received the NEET PG 2021 score card, he came to know that his categorization had been inadvertently been made under 'General' and not 'OBC' category.

3. According to the petitioner, he belongs to the Backward Classes (BC) community and he holds a certificate issued by the Zonal Deputy Tahsildar dated 01.02.2022 to such effect. The format for application for All India Counselling is stated to contain only four fields, being Unreserved (UR), Other Backward Class (OBC), Scheduled Castes (SC) and Scheduled Tribes (ST) categories.

4. Thus, the petitioner falling under BC category, ought to have opted for the OBC category, instead of which he admittedly and inadvertently, ticked the 'UR' category. In my considered view, this innocent and bona fide mistake should not stand in the way of his application not being considered in the proper category, assuming that his claim and credentials in this regard are in order.



5. Learned counsels who appear for the respondents would concur upon the position that it is the Director General of Health Services (DGHS), who is the proper authority to effect the change in category as sought for by the petitioner.

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6. There is thus a direction to R3, represented by Mr.Subbu Ranga Bharthi, learned Standing Counsel to consider the request of the petitioner, made on 14.03.2022 via e-mail, verify the community certificate that is stated to be enclosed with the aforesaid representation and if the same is in order, carry out the change in category of the petitioner from UR to OBC, within a period of one week from today.

7. This writ petition is disposed in the above terms. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

nst/ska

To

1. The Government Of India,
The Secretary,
Department of Health and Family Welfare,
Ministry of Health and Family Welfare,
Room No.348, 'A' Wing,
Nirman Bhavan, New Delhi - 110 001.
2. The National Board of Examinations
in Medical Science,
The Joint Director (Medical),
Medical Enclave, Ansari Nagar,
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Ring Road, New Delhi - 110 029.
3. The Associate Dean of Graduate
Medical Education,
Directorate General of Health Services,
Nirman Bhavan,
New Delhi - 110 001.



4. The National Medical Commission,
The Chairperson,
Sector 8, Pocket 14,
Phase - I, Dwarka,
New Delhi - 110 077.

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+1cc to Mr.K.Selvaraj, Advocate, S.R.No.17674

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RSI (CO)
PBS/21/03/2022