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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.03.2022

CORAM

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P.NO.7108 OF 2022

AND

WMP.NO.7117 OF 2022

D.Deepika Shree

... 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. The Medical Counselling Committee (MCC),
Rep. by its Chairman, D.G.H.S.,
Ministry of Health & Family Welfare,
Government of India,
Room No.348, 'A' Wing, Nirman Bhavan,
New Delhi - 110 011.
3. The Associate Dean for Graduate Medical Education (ADGME),
Directorate, General of Health Services,
Nirman Bhavan,
New Delhi - 110 001.
4. The National Medical Commission,
Rep. by its Chairperson,
Sector B, Pocket 14, Phase-I,
Dwarka,
New Delhi - 110 077.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for the issuance of Writ of Mandamus directing the Respondents to forthwith change the category of the Petitioner in her Application No.210410361348, and her Roll Number: 3701011055, for the NEET (UG)-2021 mop-up and stray vacancy



round Counselling for MBBS/BDS and Nursing-2021, from "General" to "OBC".

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For Petitioner : Mr.K.Selvaraj

For Respondents : Mr.P.G.Santhosh Kumar
(for R1 to R3)
Senior Panel Counsel

Mr.Raghav (for R4)
for Ms.Subharanjani Ananth

O R D E R

Heard Mr.Selvaraj, learned counsel for the petitioner, Mr.Santhosh Kumar, learned Senior Panel Counsel for R1 to R3 and Mr.Raghav, learned counsel for Ms.Subharanjani Ananth, learned counsel for R4.

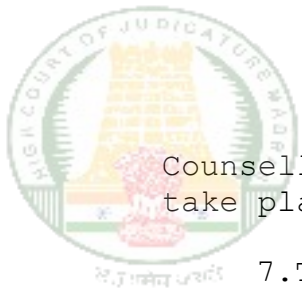
2.The prayer of the petitioner is for a mandamus directing the respondents to change the categorization of the petitioner in her Application bearing No.210410361348 and Roll No:3701011055 for the NEET (UG)-2021 mop-up and stray vacancy round Counselling.

3. The petitioner had appeared for the NEET examination and her application is stated to have been accompanied by all necessary documents for classification under the category of OBC. The relevant certification in this regard dated 20.11.2021 issued by the Zonal Deputy Tahsildar, Thirukovilur was also annexed.

4. When the results were declared, the petitioner found that she was fully qualified to participate in the counselling and submitted an online application for the same, remitting the transaction amount as well. However, she inadvertently mentioned the category as ' General' instead of 'OBC' and as such her application has come to be rejected, being based on the wrong category.

5.Mr.Santhosh Kumar, who appears for the contesting respondent / R2 would fairly and on a perusal of the relevant documents agree that the above inadvertent mistake committed by the petitioner should not stand in the way of her for selection. I agree as well.

6.Hence, there is a direction to R2 to permit the petitioner to participate in the mop-up and stray vacancy rounds for



Counselling for MBBS/BDS and Nursing for 2021 as and when they take place and consider her candidature in the category of OBC.

7. This writ petition is disposed, as above. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

vs

To

1. The Secretary,
The Government of India,
Department of Health and Family Welfare,
Ministry of Health & Family Welfare,
Room No.348, 'A' Wing, Nirman Bhavan,
New Delhi - 110 011.
2. The Chairman, D.G.H.S.,
The Medical Counselling Committee (MCC),
Ministry of Health & Family Welfare,
Government of India,
Room No.348, 'A' Wing, Nirman Bhavan,
New Delhi - 110 011.
3. The Associate Dean for Graduate Medical Education (ADGME),
Directorate, General of Health Services,
Nirman Bhavan,
New Delhi - 110 001.
4. The Chairperson,
The National Medical Commission,
Sector B, Pocket 14, Phase-I,
Dwarka,
New Delhi - 110 077.

+1cc to Mr.K.Selvaraj, Advocate, S.R.No.19969

W.P. No.7108 of 2022 and
WMP.No.7117 of 2022

SS(CO)
RLP(28/03/2022)