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W.P.No.26269 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.11.2022

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P.No.26269 of 2022
and W.M.P.No.29104 of 2022

Mohamed Ibrahim Ameen Basha (Minor)
Rep by his Mother and natural Guardian
Yasmin Begum

.. Petitioner

VS

1. The Secretary
Union of India
Ministry of Education
New Delhi - 110 001.
2. The Secretary
Union of India
Ministry of Health and Family Welfare
New Delhi - 110 001.
3. The Senior Director
NEET (UG)
National Testing Agency
C-20 1A/8, Sector 62, IITK Outreach Centre
Noida - 201 309.
4. The Chairman
National Medical Commission
Pocket - 14, Sector - 8, Dwaraka Phase - 1
New Delhi - 110 077, India



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5. The Medical Counselling Committee (MCC)

Rep. by its Chairman DGHS
Ministry of Health and Family Welfare
Government of India
Room No.348, A Wing
Nirman Bhavan, New Delhi.

6. Selection Committee

Rep. by its Chairman
Directorate of Medical Education
163, Periyar E.V.R. High Road
Kilpauk, Chennai - 600 010.

7. National Board of Examination in Medical Sciences

Rep. by its Executive Director
New Delhi.

8. The Director of Medical Education

Director General of Health Services
156, Poonamallee High Road
New Bupathy Nagar, Chetpet
Chennai - 31.

[R5, 6, 7 & 8 *suo motu* impleaded vide order
dated 22.11.2022 in W.M.P.No.29104 of 2022
in W.P.No.26269 of 2022]

.. Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents to pass appropriate order for the rectification of the category from General to OBC in the NEET (UG) 2022 score card of Mohamed Ibrahim Ameen Basha - with Application No.220410041165 and Roll No.4101140575.



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For Petitioner

:

Mr.A.Syed Kaleesha

For Respondents

:

Mr.B.Rabu Manohar
Central Government Standing Counsel
for respondents 1, 2 & 5

Ms.Sunita Kumari
for respondent 3

Ms.Shubharanjani Ananth
for respondent 4

Ms.M.Sneha
Standing Counsel
for respondent 6

Mr.U.M.Ravichandran
Special Government Pleader
for respondent 8

ORDER

The prayer sought for herein is a writ of Mandamus, directing the respondents to pass appropriate order for the rectification of the category from General to OBC in the NEET (UG) 2022 score card of Mohamed Ibrahim Ameen Basha with Application No.220410041165 and Roll No.4101140575.

2. The petitioner, at the time of making application for witting NEET (UG) examination, has wrongly quoted his community. The application was uploaded as



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General category instead of OBC, despite the fact that the petitioner belongs to the OBC category and a certificate to that effect has been issued by the Competent Authority.

3. Only after the results are published by the NTA i.e, the National Testing Agency, the petitioner came to know about this factor and the petitioner made an application to the respondents to change the community status from General category to OBC category and the same since has not been considered and have been kept pending, the petitioner moved the present writ petition with the aforesaid prayer.

4. Heard Mr.A.Syed Kaleesha, learned counsel appearing for the petitioner and Mr.B.Rabu Manohar, learned Central Government Standing Counsel appearing for respondents 1, 2 & 5 and Ms.Sunita Kumari, learned counsel appearing for respondent 3 and Ms.Shubharanjani Ananth, learned counsel appearing for respondent 4 and Ms.M.Sneha, learned Standing Counsel appearing for respondent 6 and Mr.U.M.Ravichandran, learned Special Government Pleader appearing for respondent 8.



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5. Since the fifth respondent is the Competent Authority to consider this kind of plea and many number of cases, of this kind, has already been entertained by this Court and orders were passed by giving direction to the fifth respondent to consider the plea raised by the petitioner for change of community, based on the certificate issued in this regard by the Competent Authority, this Court is inclined to dispose of this writ petition in the same lines with the following order:

(i) That there shall be a direction to the fifth respondent to consider the plea of the petitioner for change of category from General category to OBC and accordingly, the petitioner's ranking can be given, based on which, it is open to the petitioner to claim rank under OBC category for any future purpose / academic persuasion.

(ii) The needful, as indicated above, shall be undertaken by the fifth respondent within a period of four weeks from the date of receipt of a copy of this order.



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6. With these directions, the writ petition is disposed of. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

22.11.2022

Index: Yes/No
drm

Note: Issue order copy on 24.11.2022.

To

1. The Secretary
Union of India
Ministry of Education
New Delhi - 110 001.
2. The Secretary
Union of India
Ministry of Health and Family Welfare
New Delhi - 110 001.
3. The Senior Director
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National Testing Agency
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4. The Chairman
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5. The Chairman DGHS

The Medical Counselling Committee (MCC)
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R. SURESH KUMAR, J.

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