



W.P.No.28373 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.11.2022

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

Writ Petition No.28373 of 2022
and W.M.P.No.27679 of 2022

Yuvashree, R. (Minor)

Rep.by her Father and Natural Guardian

Mr.Renganathan S/o Mr.Karuppan

No.22, Uranium Block, Bhavini Township

Anupuram Post, Sadurangapattinam

Kancheepuram – 603 127.

.... Petitioner

-Vs-

1 The Director

National Eligibility cum Entrance Test Exam
Shiksha Kendra 2 Community Centre Preet
Vihar New Delhi-110 301.

2 The Regional Officer

Central Board of Secondary Education New No.3
Old No. 1630 A J Block 16th Main Road
Anna Nagar West Chennai - 600 040.

3 The Medical Counselling Committee

Nirman Bhawan, Rajpath Area
Central Secretariat New Delhi-110001.

4 The Secretary

Selection Committee Director of Medical
Education No. 162 Periyar E.V. R. High
Road Kilpauk Chennai - 600 010.

5 The Tamil Nadu Medical Council



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Rep. by its Secretary No. 914
Poonamalee High Road Arumbakkam Chennai .

6 Director General of Health Services
Ministry of Health and Family
Welfare Nirman Bhavan New Delhi - 110 001.

(R6 suo motu impleaded vide order dated
20.10.2022 made in WP No.28373/2022)

.... Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to quash the 1st respondents order dated 07.09.2022 in respect of application number 220410479954 and roll number 4115020644 further direct the 1st respondent to change the category from General Category to OBC in respect of application number 220410479954 and roll number 4115020644 in their records and issue a fresh certificate reflecting the same.

For Petitioner : Mr.D.Sathyaraj

For Respondents : Ms.Sunita Kumari, Standing Counsel-for R1
Ms.M.Sneha, Standing Counsel-for RR3 &4
Mr.G.Sankaran, Standing Counsel – for R5
Mr.V.Ashok Kumar
Central Government Standing Counsel-for R6

ORDER

The prayer sought for herein is for a Writ of Certiorarified Mandamus to quash the 1st respondents order dated 07.09.2022 in respect of application number 220410479954 and roll number 4115020644 further direct the 1st respondent to change the category from General Category to OBC in respect of



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application number 220410479954 and roll number 4115020644 in their records and issue a fresh certificate reflecting the same.

2. The petitioner appeared in NEET-UG Examination 2022. At the time of making the on-line application, she has mentioned as if that she has competed as 'General Category' candidate, however she belongs to OBC. A community certificate to that effect has been given by the competent authority of the State Government. Despite that, due to inadvertence the petitioner has made such on-line application without disclosing that she belongs to OBC category. Therefore, the first respondent issued marks statement ie., score card treating the petitioner as candidate belonging to 'General Category'. However, after realizing the mistake committed by the petitioner, now she has approached this Court seeking for a Writ of Mandamus to the respondents to change the community from 'General' to 'OBC'.

3. When this matter came up for hearing on 20.10.2022, this Court suo-motu impleaded the 6th respondent as one of the party respondent to decide whether such a direction can be given to change the community of the petitioner based on the community certificate that the petitioner has obtained from the authorities concerned, from 'General' to 'OBC'.



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4. Heard the learned counsel for the petitioner and the learned counsel for the respondents.

5. Learned Standing Counsel for the newly impleaded 6th respondent submits that because the petitioner had claimed that if she belongs to OBC and due to inadvertence it was mentioned as 'General' Category, and if the petitioner wants to change the category from 'General' to 'OBC' relying upon the community certificate, the same shall be considered by the respondents and an order to that effect will be passed.

6. The issue raised in this writ petition is no more *res integra* as number of writ petitions have come up before this Court and in one such writ petition in W.P.No.26400 of 2022, this Court passed the following order on 18.10.2022.

" 9. Therefore, this Court feels that, in this context since earlier orders have been passed by this Court in number of cases, where directions were issued only to the Directorate General of Health Services to act upon, this Court has no hesitation to hold that in this case also a direction can be given to the DGHS / respondents 7 and 8 to act upon and thereafter communicate to the petitioner the change in community at the earliest.



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10. In that view of the matter, this Court is inclined to dispose of this writ petition with the following order.

- *That there shall be a direction to the respondents, especially respondents 7 and 8 to consider the application submitted by the petitioner dated 23.09.2022 in the light of the discussion herein above made and accordingly after changing the community of the petitioner from 'General' to 'OBC', communicate the same to the petitioner.*
- *The needful as indicated above shall be undertaken by said respondents within a period of two weeks from the date of receipt of a copy of this order.*
- *It is made clear that, in this regard if any internal verification or communication has to be obtained or verified by the respondents 7 and 8 with any other agency like NTA that also can be undertaken by them and needful shall be complied with and communicated within the period indicated as above."*

7. Following the said order, this Court is inclined to dispose of this writ petition with the following order.

- That there shall be a direction to the respondents, especially 6th respondents to consider the email representations submitted by the petitioner dated 11.09.2022 and 16.10.2022 in the light of the



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discussion herein above made and accordingly after changing the community of the petitioner from 'General' to 'OBC', communicate the same to the petitioner.

- The needful as indicated above shall be undertaken by said respondent within a period of two weeks from the date of receipt of a copy of this order.
- It is made clear that, in this regard if any internal verification or communication has to be obtained or verified by the 6th respondents with any other agency like NTA that also can be undertaken by them and needful shall be complied with and communicated within the period indicated as above."

8. With the above directions, this writ petition is disposed of. No costs.

Consequently, connected miscellaneous petition is closed.

01.11.2022

Index : Yes/No

Internet : Yes/No

KST

Note : Issue order copy on 02.11.2022



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To

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R. SURESH KUMAR, J.

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