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Writ Petition No.28480 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.11.2022

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

Writ Petition No.28480 of 2022

and

W.M.P.No.27792 of 2022

G.P.Harish

... Petitioner

Vs.

- 1.The Government of India,
represented by its
Secretary Department of Health
and Family Welfare,
Ministry of Health and Family Welfare,
Room No.348, A Wing,
Nirman Bhavan, New Delhi.
- 2.The Medical Counselling Committee (MCC),
represented by its Chairman, D.G.H.S,
Ministry of Health and Family Welfare,
Government of India,
Room No.348, A Wing,
Nirman Bhavan, New Delhi.
- 3.The Associate Dean of Graduate,
Medical Education (ADGME),
Directorate General of Health Services,
Nirman Bhavan, New Delhi - 110 001.



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

5.National Testing Agency,
C-20, 1A/8, Sector 62,
IITK Outreach Centre,
Noida - 201 309.

... Respondents

[R5 *suo motu* impleaded vide order
dated 27.10.2022 made in
W.P.No.28480 of 2022]

Writ Petition filed under Article 226 of the Constitution of India
praying to issue a Writ of Mandamus directing the respondents to change
the date of birth of the petitioner from 14.08.2004 to 13.08.2004 in the
NEET Application No.220410396361, Roll No.:4108010641 for NEET
(UG-2022) and consequently, direct the respondent to issue necessary
certificate or communication to the petitioner.

For Petitioner : Mr.K.Selvaraj

For Respondents : Mr.A.Prakash, Additional CGSC [R1 to R3]
Mr.Shubharanjani Ananth,
Standing Counsel [R4]
Mr.Sunita Kumari, Standing Counsel [R5]



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ORDER

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2. The petitioner written the NEET-UG(2022). While filing application on-line for participating in the said examination, due to inadvertence, the date of birth of the petitioner has been mentioned as 14.08.2004 instead of 13.08.2004, which is a sheer mistake due to inadvertence as those particulars have been entered in the on-line application only through E-Seva Kendra and by the date entry operator.

3. In view of such wrong entry of date of birth, i.e., 14.08.2004 instead of 13.08.2004, the wrong date of birth has been mentioned in the score card issued by the National Testing Agency for NEET-UG(2022). Since it has become a record with wrong date of birth, the petitioner had



approached the respondents to change the date of birth, as they expressed their inability, the petitioner has moved the present writ petition with the aforesaid prayer.

4. The National Testing Agency though originally was not a party to the writ petition, it was *suo motu* impleaded by this Court by order dated 27.10.2022.

5. On behalf of the respondents 1 to 3, Mr.A.Prakash, learned Additional Central Government Standing Counsel, entered appearance and filed a counter stating that the petitioner has been allotted to VMKV Medical College and Hospital, Salem, and he has paid the necessary fees and got admission. Therefore, since the petitioner has become eligible to get admission, he can produce an affidavit before the said institution and get the change of date of birth in their records.

6. However, Mr.K.Selvaraj, learned counsel appearing for the petitioner, submitted that the score card issued by the National Testing Agency for the marks awarded to the petitioner in the NEET-UG(2022)



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examination since carries the wrong date of birth, it has to be necessarily amended.

7. Responding to the said plea, Ms.Sunita Kumari, learned Standing Counsel appearing for the fifth respondent/National Testing Agency, submitted that in view of the plea raised by the petitioner, the particulars now brought in by the petitioner would be collected and forwarded by the National Testing Agency to the third respondent since the third respondent is the Competent Authority to make necessary changes of date of birth from 14.08.2004 to 13.08.2004 of the petitioner and accordingly, if a communication, in this regard, is received by the National Testing Agency, they will issue a fresh score card carrying the correct date of birth.

8. I have considered the rival submissions made by the learned appearing for both sides and have perused the materials placed before this Court.

9. In view of the aforestated position where due to inadvertence the



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date of birth has been wrongly mentioned as 14.08.2004 and such kind of date of birth if it carries in the score card issued by the National Testing Agency i.e. NEET-UG(2022) score card that would have some repercussions in the career of the petitioner, this Court feels that a direction can be given to the respondents suitably.

10. Accordingly, this Court is inclined to dispose of this writ petition with the following order:

- that there shall be a direction to the fifth respondent/National Testing Agency to collect the particulars of the petitioner indicating correct date of birth i.e. 13.08.2004 instead of 14.08.2004 and forward the particulars to the third respondent with a request to carry out the amendment and after making amendment, the third respondent shall forward the same to the National Testing Agency, who, in turn, once again shall issue a revised score card only in respect of date of birth i.e. 13.08.2004 instead of 14.08.2004.
- The aforesaid exercise shall be undertaken by the respondents 3 and 5 collectively as indicated above within a period of four (4) weeks from the date of receipt of a copy of this order.

With the above direction, this Writ Petition is disposed of. No costs.



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Consequently, connected miscellaneous petition is closed.

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Index : Yes/No

Internet: Yes

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To

- 1.The Secretary Department of Health
and Family Welfare,
Ministry of Health and Family Welfare,
Room No.348, A Wing,
Nirman Bhavan, New Delhi.
- 2.The Chairman, D.G.H.S,
Medical Counselling Committee (MCC),
Ministry of Health and Family Welfare,
Government of India,
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- 3.The Associate Dean of Graduate,
Medical Education (ADGME),
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- 4.The Chairperson,
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R.SURESH KUMAR., J

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