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W.P.No.28618 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.11.2022

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P.No.28618 of 2022

J.Pooja

... Petitioner

Vs

1.National Medical Commission, (Admin. Section)

Rep. By its Chairman,
Pocket 14, Sector 8,
Dwarka Phase – I,
New Delhi – 110 077.

2.The Principal Secretary,

Department of Health and Family Welfare,
Saint George Fort,
Chennai – 600 009.

3.The Director,

Directorate of Medical Education,
No.162, Periyar E.V.R. Salai,
Kilpauk, Chennai – 600 010.

4.The Secretary,

Selection Committee,
Directorate of Medical Education,
No.162, Periyar E.V.R. Salai,
Kilpauk, Chennai – 600 010.

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus to direct the respondents 2



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to 4 to consider the representation of the petitioner dated 19.10.2022 and consequently direct the respondents to accept the application of the petitioner for Government Quota for admission to MBBS / BDS Course in Tamil Nadu for 2022-2023 and include the petitioner name in rank list and counselling for MBBS / BDS – Government Quota 2022-2023.

For Petitioner : Mr.C.D.Johnson

For Respondents : Mr.U.M.Ravichandran
Special Government Pleader
for R2 & R3

: Ms.Shubharanjani Ananth
Standing Counsel for R1

: Ms.M.Sneha for R4

ORDER

The prayer sought for in this writ petition is for a writ of mandamus to direct the respondents 2 to 4 to consider the representation of the petitioner dated 19.10.2022 and consequently direct the respondents to accept the application of the petitioner for Government Quota for admission to MBBS / BDS Course in Tamil Nadu for 2022-2023 and include the petitioner name in rank list and counselling for MBBS / BDS – Government Quota 2022-2023.

2. The petitioner claimed that she has completed the +2 in the academic year 2019-2020 and she prepared for NEET examination and



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already the petitioner written NEET examination during 2020-2021 and 2021-2022 and unable to reach the cut off marks.

3. Therefore, this year also the petitioner appeared for the NEET examination for the third time i.e. for the academic year 2022-2023. This year the petitioner secured 373 marks in the NEET examination. Her All India Rank is 210818 and her SC community all India Rank is 16516. Therefore according to the petitioner, there is every chance for getting admission in medical seat atleast, if not in Government quota, in Self-financing medical colleges in the State of Tamil Nadu. However due to the viral fever, she claimed to have been suffered from 01.10.2022 to 12.10.2022, the petitioner could not make any application for this year admission to medical course to the respondent Selection Committee and now the petitioner moved this writ petition seeking for writ of mandamus directing the respondents 2 to 4 to consider the representation of the petitioner dated 19.10.2022 and consequently direct the respondents to accept the application of the petitioner for Government Quota for admission in MBBS / BDS Degree Course in Tamil Nadu for the academic year 2022-2023.



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4. Heard Mr.C.D.Johnson, learned counsel appearing for the petitioner, Mr.U.M.Ravichandran, learned Special Government Pleader appearing for the respondents 2 and 3, Ms.Shubharanjani Ananth, learned Standing Counsel appearing for the 1st respondent and Ms.M.Sneha, learned Standing Counsel appearing for the 4th respondent.

5. It is an admitted case on the part of the petitioner that the petitioner did not make even an application for admission of MBBS/BDS for the current year 2022-2023.

6. Without making any application now the petitioner wants to consider her present request dated 19.10.2022 as a mercy petition to the respondents to permit the petitioner to participate in the counselling.

7. Assuming that, even for medical reason the application could not be submitted, there is no scope for entertaining the representation dated 19.10.2022 as application for the purpose of considering the candidature of the petitioner to include her name in the counselling process for the purpose of admission in MBBS/BDS course.



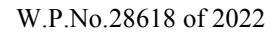
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8. In this regard, it is brought to the notice of this Court by the learned Standing Counsel for the 4th respondent that, the last date for making application was originally fixed as 03.10.2022 and it was later extended upto 06.10.2022.

9. Since the submission of application was started from 22.09.2022 assuming that she suffered with viral fever only from 01.10.2022, she could have made application prior to 01.10.2022.

10. Therefore, what stated by the petitioner for not filing any application this year cannot be rectified by this Court by giving a direction by way of mandamus to the respondents to accept the representation dated 19.10.2022 given to the respondents and treating it as an application by considering the candidature of the petitioner for inclusion in the ranking list for the purpose of counselling in admission for MBBS/BDS for the academic year 2022-2023.

11. If this kind of plea raised in this writ petition is accepted by this Court even on the ground of mercy or equity, several hundreds of such



01.11.2022

Speaking Order: Yes / No

Note: Issue order copy on 02.11.2022

Sgl



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To

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National Medical Commission, (Admin. Section)

Pocket 14, Sector 8,
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New Delhi – 110 077.
2. The Principal Secretary,
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3. The Director,
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R. SURESH KUMAR, J.

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