



WEB COPY



W.P.No.32777 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.12.2022

CORAM

THE HONOURABLE Mr.JUSTICE R.SUBRAMANIAN

W.P.No.32777 of 2022
and WMP.Nos.32178 & 32185 of 2022

Michelle Grace Victor

Vs

... Petitioner

1.The State of Tamil Nadu
Rep by Principal Secretary to Government
Health and Family Welfare Department
Fort St.George, Secretariat
Chennai - 600 009.

2.The Director of Medical Education
Kilpauk, Chennai - 600 010.

3.The Secretary
Selection Committee
Directorate of Medical Education
Kilpauk, Chennai - 600 010.

4.The National Medical Commission
Rep by its Secretary
Pocket 14, Sector-8
Dwaraka, New Delhi - 110 077.

... Respondents



W.P.No.32777 of 2022

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to consider the petitioner to participate in Mop-up counselling scheduled to be held from 06.12.2022 to 13.12.2022 and to ensure merit in selection for admission to UG MBBS Medical Course in consideration of representation dated 27.11.2022 submitted by the petitioner.

For Petitioner : Mr.L.Chandrakumar
for Mr.N.Naganathan

For Respondents : Dr.T.Seenivasan
Special Government Pleader for R1 & R2
Ms.M.Sneha for R3
Ms.Shubaranjani Ananth
Standing Counsel for R4

ORDER

[Order of the Court was made by R.SUBRAMANIAN.J]

The grievance of the petitioner is that because of a mistake committed by her father during second round of counselling, she has been denied a seat in the Government Medical College, The Nilgiris. The facts are as follows :

The petitioner, who was successful in the National Eligibility cum Entrance Test (NEET) conducted for medical admission, took part in the first round of counselling and she was allotted a seat in the



W.P.No.32777 of 2022

WEB COPY

Government Medical College, The Nilgiris. The petitioner wanted to upgrade herself, therefore, she participated in the second counselling.

According to the petitioner, her father by mistake, chose a private medical college during the second counselling and she was allotted a seat there also. It is also stated that the petitioner had joined both in the Government Medical College, The Nilgiris as well as in the private medical college which was chosen by her father. Realising that a mistake had happened, the petitioner has come up before this Court seeking permission to participate in Mop-up counselling or retain the seat allotted to her in the first counselling.

2. Though the grievance of the petitioner seems to be very reasonable, the petitioner has to blame herself for the current situation. The prospectus, in this regard, is very clear. Once a person who has been allotted a seat in the first round of counselling, chooses to upgrade and participate in the second counselling, the seat that was allotted to her in the first counselling will become a virtual vacancy. And once the candidate upgrades in the second phase of counselling, that seat will become a real vacancy and it will be open to all in the order of merit. Other candidates participating in the second counselling can choose that seat and upon



W.P.No.32777 of 2022

vacation or up gradation by the candidate who was originally allotted the seat during the first counselling, that seat will be allotted to the candidate who had opted for it at the second counselling.

3. In the light of the above rule position, the seat that was allotted to the petitioner in the Government Medical College at Nilgiris, now stands allotted to some other person and the other candidate has also joined. I have called for the vacancy position at the Government Medical College, The Nilgiris and Mrs.M.Sneha, learned Standing Counsel for Selection Committee has produced the list of students who had been admitted and there is no vacancy in the Government Medical College, The Nilgiris. Therefore, the petitioner cannot now be accommodated in the Government Medical College, The Nilgiris. As regards the claim of the petitioner, that she should be permitted to participate in the Mop-up counselling, the prospectus provides that the candidates who had allotted the seats during the first and second counselling cannot participate in the Mop-up counselling. Therefore, it is not possible to consider the request of the petitioner. It is open to the Selection Committee to sympathetically consider the request of the petitioner in the event there being any vacancy in any Government College.



W.P.No.32777 of 2022

4. Seeing no merit in the writ petition, it stands dismissed. No costs.

Consequently, connected miscellaneous petitions are closed.

05.12.2022

Index : No
Speaking order
ds

To:

- 1.The State of Tamil Nadu
Rep by Principal Secretary to Government
Health and Family Welfare Department
Fort St.George, Secretariat
Chennai - 600 009.
- 2.The Director of Medical Education
Kilpauk, Chennai - 600 010.
- 3.The Secretary
Selection Committee
Directorate of Medical Education
Kilpauk, Chennai - 600 010.
- 4.The National Medical Commission
Rep by its Secretary
Pocket 14, Sector-8
Dwaraka, New Delhi - 110 077.



WEB COPY



W.P.No.32777 of 2022

R.SUBRAMANIAN. J.,

ds

W.P.No.32777 of 2022

05.12.2022