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W.P.No.33096 of 2022

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.12.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

W.P.No.33096 of 2022

and

W.M.P.Nos.32502 & 32504 of 2022

Yazhini

...Petitioner

Vs.

1.The Government of India,
Rep. By its Secretary,
Ministry of Education,
Ministry of Health and Family Welfare,
Room No.348; 'A' Wing, Nirmal Bhavan,
New Delhi – 110011.

2.The Chairman,
Medical Counselling Committee,
Directorate General of Health Services,
Nirman Bhawan, Rajpath Area,
Central Secretariat, New Delhi, Delhi – 110011.

3.The Chairman,
Selection Committee,
Directorate of Medical Education,
No.162, Periyar E.V.R.High Road,
Kilpauk, Chennai – 600010.

4.National Medical Commission,
by its Secretary, Sector – 8,
Dwarka Phase – 1, New Delhi – 77.

..Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking issuance of Writ of Certiorarified Mandamus, calling for the records of the 2nd respondent / NEET – UG (MBBS/BDS/B.Sc., Nursing) counselling – 2022, Information bulleting and counselling scheme prospective of chapter 12 – Registration & Counselling Process so far as the condition of Mop UP round counselling and further notification No.018/SCS1 (1)/2022 dated 26.11.2022 on the file of the 3rd respondent / Selection Committee, Directorate of Medical Education and quash the same and further direct the 2nd respondent to allot the M.B.B.S medical seat in any one of the Tamil Government Medical College to the petitioner's choice in mop up counselling.

For Petitioner : Mr.A.Thyagarajan, Senior Counsel
for Mr.D.Veerasekharan

For Respondents : Mr.R.Rajesh Vivekananthan
Deputy Solicitor General of India for R1 & R2
Ms.M.Sneha for R3
Ms.Shubaranjani Ananth
Standing Counsel for R4

ORDER

The prayer in the Writ Petition reads as follows:-

calling for the records of the 2nd respondent / NEET – UG (MBBS/BDS/B.Sc., Nursing) counselling – 2022, Information bulleting and counselling scheme prospective of chapter 12 –



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Registration & Counselling Process so far as the condition of Mop UP round counselling and further notification No.018/SCS1 (1)/2022 dated 26.11.2022 on the file of the 3rd respondent / Selection Committee, Directorate of Medical Education and quash the same and further direct the 2nd respondent to allot the M.B.B.S medical seat in any one of the Tamil Government Medical College to the petitioner's choice in mop up counselling.

2.The petitioner, who was successful in the NEET examinations was allotted a seat in the first round of a State quota counselling, St.Peters Medical College Hospital and Research Institute, Krishnagiri. She choose to take part in the second round of counselling in order to upgrade herself and she got a seat in Karpagam Faculty of Medical Science and Research, Coimbatore. She joined that College also. Realising that there are certian vacancies in the State Government Medical colleges in the mop up counselling that is to be commenced tomorrow, the petitioner has come up with this Writ Petition.



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3.The prospectus issued by the respondents is very clear and categoric and is based on various orders of the Hon'ble Supreme Court. Even in the prospectus as well as the notification, it is made clear that the candidates, who are allotted a seat in the first round of counselling can seek upgradation and participate in the second round of counselling but the candidates, who participated in the second round of counselling and had been allotted a seat there at, cannot participate in further counselling. Therefore, the petitioner, who has been allotted a seat in the second round of counselling cannot participate in the mop up counselling.

4.In the light of the said prohibition, which has been incorporated in the prospectus pursuant to the orders of the Hon'ble Supreme Court, I do not think, the challenge of the petitioner to the notification would survive. The petitioner having selected a College during the second round of counselling and having been successful in obtain an allotment, cannot seek to forego the allotment and seat for mop up counselling, which will make a process unending. I do not see any merit in the Writ Petition.



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5.This Writ Petition therefore, fails and it is accordingly, dismissed.

No costs. Consequently, connected miscellaneous petitions are closed.

06.12.2022

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Internet: Yes/No

Index: Yes/No

Speaking/Non-speaking order

Note:- Upload order copy on 07.12.2022.



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To:-
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R.SUBRAMANIAN, J.

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