



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.[MD]No.1803 of 2022

and

W.M.P.[MD]No.1601 of 2022

D.D.Bishwajeeth

... Petitioner

Vs.

- 1.The Union of India,
Rep. by its Home Secretary,
Ministry of Home Affairs,
North Block, New Delhi - 110 001.
- 2.Union of India,
Rep. by its Secretary,
Ministry of Health and Family Welfare,
Nirman Bhawan, C-Wing,
New Delhi - 110 001.
- 3.The Director General,
Medical Counselling Committee (MCC),
Pocket - 14, Sector - 8,
Phase-I, Dwarka, New Delhi - 110 077.
- 4.The Director General of Health Services,
Director General of Health Services,
Medical Counselling Committee,
Nirman Bhawan, New Delhi - 110 108.
- 5.The State of Tamil Nadu,
Rep. by its Principal Secretary to Chief Minister,
Chief Minister Office, Secretariat,
Chennai - 600 009.
- 6.The State of Tamil Nadu,
Rep. by Principal Secretary,
Health and Family Welfare,
Secretariat, Chennai.
- 7.The Director,
Tamil Nadu Medical Council Committee,
914-Poonarnallee High Road,
Arumbakkam, Chennai - 600 106.



8.The Additional General of Health Services,
Secretary, Selection Committee,
Directorate of Medical Education,
Chennai - 600 010.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the first and second respondents to instruct the respondents 4 to 8 to allot one MBBS seat 2021-22 under wards of Covid warriors beneficiary scheme since in the website of MBBS Admission in Government of Tamil Nadu and Government of India the wards of Covid warriors beneficiary scheme category not found and admission may be granted in any Government Medical Colleges in Tamil Nadu under the Wards of Covid Warriors Scheme 2021-22 by considering the petitioner's representation dated 23.12.2021.

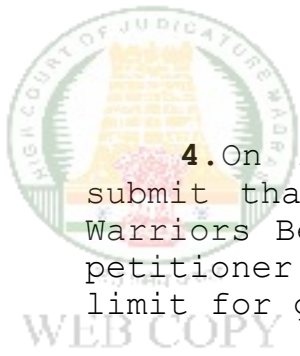
For Petitioner : Mr.R.Kannan
For Respondents 1 to 4 : Mrs.L.Victoria Gowri
Assistant Solicitor General
For Respondents 6 & 8 : Mr.M.Lingadurai
Special Government Pleader
For Respondent No.7 : Mr.C.Karthik

O R D E R

This writ petition has been filed for a Mandamus seeking for a direction to the first and second respondents to instruct the respondents 4 to 8 to allot one MBBS seat for the year 2021-22 under wards of Covid Warriors Beneficiary Scheme, based on the petitioner's representation dated 23.12.2021, within a time frame to be fixed by this Court.

2.It is the case of the petitioner that he is a ward of a Covid Warrior as his father D.R.Deyanesh was a Doctor and was the breadwinner of the family. According to the petitioner, his father died on 12.07.2020 due to Corona attack. According to the petitioner, under the Covid Warriors Beneficiary Scheme, he is qualified and is eligible to get admission in MBBS course. It is the case of the petitioner that he secured 200 marks out of 720 and therefore, he is eligible for getting admitted in the MBBS course under the aforementioned scheme. Since the said representation was not considered till date, the petitioner has filed this writ petition.

3.Heard Mr.R.Kannan, learned Counsel appearing for the writ petitioner, Mrs.L.Victoria Gowri, learned Assistant Solicitor General who accepts notice on behalf of respondents 1 to 4, Mr.M.Lingadurai, learned Special Government Pleader who accepts notice on behalf of respondents 6 & 8 and Mr.C.Karthik, learned Counsel who accepts notice on behalf of the seventh respondent.



4. On instructions, learned Assistant Solicitor General would submit that the petitioner is qualified to apply under the Covid Warriors Beneficiary Scheme, but however, she would submit that the petitioner has to be meritorious and should come within the cut-off limit for getting admission in the MBBS course.

5. No prejudice would be caused to the respondents if the petitioner's aforesaid representation dated 23.12.2021 is considered on merits and in accordance with law.

6. Accordingly, this Court directs the third respondent to consider the petitioner's representation under the Covid Warriors Beneficiary Scheme dated 23.12.2021 as and when the counselling is held, if he is found to be meritorious as per the criteria fixed by the third respondent and permit him to attend counselling and pass final orders within a period of two [2] weeks from the date of counselling.

7. With the above direction, this Writ Petition stands disposed of. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

MR

NOTE: *In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.*

To

1. The Home Secretary,
Union of India,
Ministry of Home Affairs,
North Block, New Delhi - 110 001.



- 2.The Secretary,
Union of India,
Ministry of Health and Family Welfare,
Nirman Bhawan, C-Wing,
New Delhi - 110 001.
- 3.The Director General,
Medical Counselling Committee (MCC),
Pocket - 14, Sector - 8,
Phase-I, Dwarka, New Delhi - 110 077.
- 4.The Director General of Health Services,
Director General of Health Services,
Medical Counselling Committee,
Nirman Bhawan, New Delhi - 110 108.
- 5.The Principal Secretary to Chief Minister,
State of Tamil Nadu,
Chief Minister Office, Secretariat,
Chennai - 600 009.
- 6.The Principal Secretary,
State of Tamil Nadu,
Health and Family Welfare,
Secretariat, Chennai.
- 7.The Director,
Tamil Nadu Medical Council Committee,
914-Poonarnallee High Road,
Arumbakkam, Chennai - 600 106.
- 8.The Additional General of Health Services,
Secretary, Selection Committee,
Directorate of Medical Education,
Chennai - 600 010.

+1 CC to M/s.R.KANNAN, Advocate (SR-7950[F] dated 23/02/2022)

+1 CC to M/s.SPL GP (SR-8327[F] dated 24/02/2022)

ORDER MADE IN
W.P. [MD]No.1803 of 2022
22.02.2022

MK(05.03.2022) 4P 11C