



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. [MD]No.3568 of 2022

WEB COPY

T.Kalpana Chawla

... Petitioner

Vs.

1.The Medical Counselling Committee (MCC),
Rep. by the Director General of Health Services,
Ministry of Health and Family Welfare,
Government of India,
Nirman Bhavan,
New Delhi - 110 011.

2.The Secretary,
Selection Committee (NEET (UG)),
Directorate of Medical Education,
No.162, Periyar E.V.R. High Road,
Kilpauk,
Chennai - 600 010.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the second respondent to permit the petitioner to take part in the second round of counselling and enable her to opt / get a seat for M.B.B.S. Course in any Medical College / University of Tamil Nadu under Management / Self Finance quota in the light of her cut-off marks secured in the NEET (UG)-2021 examination as well as based on her representation dated 14.02.2022 and reminder representation dated 17.02.2022 submitted to second and first respondents through mail and post respectively within the time limit that may be stipulated by this Court.

For Petitioner : Mr.M.Mohanasundaram

For Respondents : Mr.G.V.Vairam Santhosh

Additional Government Pleader for R2

Mrs.Shubharanjani, Standing Counsel for R1

O R D E R

This writ petition has been filed for a Mandamus seeking for a direction to the second respondent to permit the petitioner to take part in the second round of counselling and enable her to opt and get a seat for M.B.B.S. Course in any Medical College / University of Tamil Nadu under Management / Self Finance quota based on her



cut-off marks secured in the NEET (UG)-2021 examination as well as based on her representation dated 14.02.2022 and reminder representation dated 17.02.2022 submitted to second and first respondents through mail and post respectively within a time limit to be fixed by this Court.

WEB COPY

2. It is the case of the petitioner that in the first round of counselling held on 12.02.2022 she participated in the said counselling but was able to get selection only in B.D.S. course though her first priority was to join M.B.B.S course only. Thereafter, she has given a representation on 14.02.2022 and 17.02.2022 requesting the respondents to permit her to opt for M.B.B.S. course during the second round of counselling scheduled to take place next week under the Management / Self Financing quota though she has already been allotted B.D.S. seat in the first round of counselling.

3. According to the petitioner, she is a meritorious student having secured 425 marks out of 720 marks and secured 50th percentile of cut-off mark that has been earmarked for Un-Reserved / Economically weaker section category and was placed at 9602 rank over all and 714 communally [SC category]. Since her representations have not been considered till date, she has filed this writ petition.

4. Heard Mr.M.Mohanasundaram, learned Counsel appearing for the petitioner and Mr.G.V.Vairam Santhosh, learned Additional Government Pleader who accepts notice on behalf of the respondents.

5. On instructions, learned Additional Government Pleader would submit that the petitioner did not opt for Management / Self Financing quota in the first round of counselling but opted only for Government colleges for the M.B.B.S. course in the first round of counselling. Since there were no seats available in the first round of counselling for M.B.B.S course, the petitioner was allotted B.D.S course under Government College which she accepted. Having accepted B.D.S. course under the Government College which was only available in the first round of counselling, the petitioner cannot change her decision now by seeking for allotment of M.B.B.S. seat in the Management / Self Financing quota in the second round of counselling for M.B.B.S course.

6. However, this Court is of the considered view that no prejudice would be caused to the respondents if the petitioner's representations dated 14.02.2022 and 17.02.2022 seeking for admission in the M.B.B.S course in the Management / Self Financing quota during the second round of counselling which is scheduled to take place next week is considered on merits and in accordance with law after affording a fair hearing to the petitioner.



7. Accordingly, this Court directs the second respondent to consider the petitioner's representations made for the aforementioned purpose and pass final orders on merits and in accordance with law on or before the second round of counselling after affording a fair hearing to the petitioner.

8. With the aforesaid direction, the Writ Petition stands disposed of. There shall be no order as to costs.

Sd/-

Assistant Registrar(AD-I)

// 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 Director General of Health Services,
Medical Counselling Committee (MCC),
Ministry of Health and Family Welfare,
Government of India,
Nirman Bhavan,
New Delhi - 110 011.

2. The Secretary,
Selection Committee (NEET (UG)),
Directorate of Medical Education,
No.162, Periyar E.V.R. High Road,
Kilpauk,
Chennai - 600 010.

+1 CC to M/s.M.MOHANA SUNDARAM, Advocate (SR-8621[F] dated 25/02/2022)

+1 CC to M/s.SPL GP (SR-8972[F] dated 28/02/2022)

ORDER MADE IN
W.P. [MD]No.3568 of 2022
25.02.2022

RJ(CO)

TR(21.03.2022) 3P 5C