



W.A.No.521 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.03.2023

CORAM

THE HON'BLE MR.T.RAJA, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Writ Appeal No.521 of 2023

Najih Sarfraz Khalid

..

Appellant

Vs.

1. Saminathan.S

2. Union of India

rep. by the Secretary to Government
Ministry of Health & Family Welfare
New Delhi.

3. The Medical Counselling Committee of
Directorate General of Health Services
Ministry of Health & Family Welfare
Govt. of India, new Delhi.

4. JIPMER

Rep. by its Dean (Academic)
Dhanvantri Nagar
Puducherry.

5. The Director

Department of Health & Family Welfare Service
cum Nodal Officer (Medical Education)
Puducherry.

..

Respondents



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Prayer: Appeal under Clause 15 of Letters Patent against the order dated 22.02.2023 made in W.P.No.32182 of 2022.

For the Appellant : Mr.T.P.Manoharan
Senior Counsel
For Mr.T.M.Naveen

For the Respondents : Mr.M.Ravi
for Respondent-1

Mr.V.Chandrasekaran
Senior Panel Counsel
for Respondents 2 & 3

Mr.M.T.Arunan
for Respondent-4

JUDGMENT

(Delivered by the Hon'ble Acting Chief Justice)

This appeal has been directed against the order of the learned Single Judge dated 22.02.2023 allowing W.P.No.32182 of 2022 filed by the first respondent and directing the respondents 2 to 5 to take appropriate action against the appellant and the first respondent herein.

2. The appellant is the fifth respondent in the writ petition. He is



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hailing from a lower middle class family and resident of Mahe, Union Territory of Puducherry and permanently living in Mahe. He belongs to Islam-Kappila community, a Backward Class. He scored 96.66% in 12th Standard Public Examination and 621 marks out of 720 marks in the NEET-UG Medical Examination 2022. His All India Rank is 12186. In the counselling conducted by the third respondent, he was issued with Provisional Allotment Letter on 20.10.2022 and accordingly, he joined the first year MBBS Degree Course in the fourth respondent College on 22.10.2022 and attending classes from 02.11.2022.

3. Aggrieved by the said allotment, the first respondent, who has been allotted at JIPMER, Karaikal Campus, filed the writ petition on the ground that the appellant had obtained the allotment in JIPMER at Puducherry Campus in the Internal quota for Union Territory of Puducherry, by suppressing the information that he had also applied for admission in Kerala. The learned Single Judge, finding that the appellant had claimed dual nativity, allowed the writ petition, resulting in the cancellation of the admission of the appellant in the fourth respondent college. Hence, the above appeal.



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4. It is an admitted case of all the parties to the proceedings that the appellant is a native of Mahe, which is the Union Territory of Puducherry. As the appellant did his schooling in Kerala, he applied for entrance examination for Medical Course in Kerala, based on his NEET All India Rank and he was placed in State Rank 880 in the rank list. Since the appellant and his parents filed an affidavit undertaking that the appellant had not claimed the benefit of residence for admission in any other State except Puducherry, suppressing the fact that the appellant had also applied for admission in the State of Kerala, his admission in the fourth respondent College was cancelled, pursuant to the impugned order.

5. Mr.T.P.Manoharan, learned Senior Counsel appearing for the appellant submitted that the appellant has applied for admission to Medical Course under Non-Keralite Category and did not claim resident of Kerala and that though he was ranked at 880 in the State Rank list in view of his All India Rank of 12816, his name was included in the list of ineligible candidates for admission.



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6. Learned Senior Counsel further submitted that there is a resultant vacancy in JIPMER at Karaikal campus, pursuant to the transfer of the first respondent to JIPMER at Puducherry campus based on the order of the learned Single Judge and the same cannot be filled up as the cut off date fixed by the Apex Court for filling up the vacancies is 24th December, 2022 and in view of the fact that the admission of the appellant has been made prior to the cut off date, he may be permitted to continue his course in JIPMER at Karaikal campus.

7. Considering the facts that the appellant has secured 621 marks out of 720 marks in the NEET UG Medical Examination, 2022 and his All India Rank is 12186, that he has joined the Medical course in the fourth respondent College on 22.10.2022 and attending classes from 02.11.2022, that he was declared by the State of Kerala as ineligible for admission in any of the Colleges in Kerala, and that there is a vacancy in JIPMER at Karaikal campus which cannot be filled up now and it would go waste and that inadvertently his parents have registered in Kerala also for admission, but no admission was availed,



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we permit the appellant to continue his course in JIPMER at Karaikal campus and direct the Medical Council of India to revive the admission of the appellant and to permit him to continue his course in JIPMER at Karaikal campus.

8. The writ appeal is allowed. There will be no order as to costs.
Consequently, CMP No.4947 of 2023 is closed.

(T.R., ACJ.) (D.B.C., J.)
08.03.2023

Index : Yes/No
Neutral Citation : Yes/No

Note to Office:

Issue order copy tomorrow (09.03.2023)

kpl



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To

1. The Secretary to Government
Ministry of Health & Family Welfare
New Delhi.
2. The Medical Counselling Committee of
Directorate General of Health Services
Ministry of Health & Family Welfare
Govt. of India, new Delhi.
3. Dean (Academic)
JIPMER
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4. The Director
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T.RAJA, ACJ,
and
D.BHARATHA CHAKRAVARTHY,J

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