



W.P.No.18428 of 2023

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 21.06.2023**

**CORAM**

**THE HONOURABLE MR. JUSTICE M.DHANDAPANI**

**W.P.No.18428 of 2023**

**and**

**W.M.P.No.17645 of 2023**

Minor Mary Staphania.A  
Rep. by her father and Natural Guardian,  
D.Ashok,  
No.3/184-1, Kanyakulam,  
Agastheeswaram Taluk,  
Kanniyakumari District.

... Petitioner

vs.

1. The Government of India,  
Rep. by its Secretary,  
Department of Health and Family Welfare,  
Ministry of Health & Family Welfare,  
Room No.348, 'A' Wing,  
Nirman Bhavan,  
New Delhi – 110 011.
2. The Medical Counselling Committee (MCC),  
Rep. by its Chairman, D.G.H.S.,  
Ministry of Health & Family Welfare,  
Government of India,  
Room No.348, 'A' Wing, Nirman Bhavan,  
New Delhi – 110 011.
3. The Associate Dean for Graduate  
Medical Education (ADGME),



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Directorate of General of Health Services,  
Nirman Bhavan,  
New Delhi – 110 001.

4. The National Medical Commission,  
Rep. by its Chairperson,  
Sector 8, Pocket 14, Phase-I,  
Dwarka, New Delhi – 110 077.
5. The Selection Committee,  
Directorate of Medical Education,  
Kilpauk,  
Chennai 600 010.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the Respondents to forthwith change the category of the Petitioner from “General” to OBC (Other Backward classes) in the Petitioner's Application No.230411312285 and Roll No.4107030552 for NEET (UG)-2023 and consequently permit her to participate in the (UG). Counselling for MBBS/BDS-2023.

|                                |   |                         |
|--------------------------------|---|-------------------------|
| For Petitioner                 | : | Mr.K.Selvaraj           |
| For Respondents 1 to 3         | : | Mr.R.Sidharth, CGC      |
| For 4 <sup>th</sup> Respondent | : | Mrs.Shubaranjani Ananth |
| For 5 <sup>th</sup> Respondent | : | Ms.N.Sneha              |

### **ORDER**

Petitioner has come up with this Writ Petition seeking a direction to the Respondents to forthwith change her category from “General” to OBC (Other Backward classes) in the Petitioner's Application No.230411312285



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and Roll No.4107030552 for NEET (UG)-2023 and consequently permit her to participate in the (UG). Counselling for MBBS/BDS-2023.

2. According to the Petitioner, she belongs to Nadar Community and the competent Authority has also certified that she belong to Backward Class Community. She passed Higher Secondary Course Examination in March 2023. She submitted her Online Application to write NEET (UG) 2023 – Entrance Test and she also wrote the NEET Examination. Thereafter, the NEET results were published and the Petitioner obtained the Score Card on 13.06.2023, wherein, her category was shown as “UR” (General) instead of “OBC” at which time, the petitioner came to know that the mistake was on the part of the browsing centre through whom she submitted her online application for the aforesaid examination. On 14.06.2023, she submitted a representation to the Respondents 1 to 3 requesting to rectify the mistake. As there is no response from the Respondents 1 to 3 till date, having no other alternative, the Petitioner has come up with the above Writ Petition.

3. Learned counsel for the Petitioner submitted that, when a similar issue came up for consideration in W.P.Nos.29834 and 22204 of 2018, this



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Court allowed the said Writ Petitions, by allowing similarly situated candidates to change their category from “UR” to “OBC”. However, a batch of Writ Petitions for the same relief in respect of MBBS/BDS Course was dismissed by this Court in W.P.No.16679 of 2020, etc. batch on 30.11.2020. Two Writ Petitioners in the said batch filed Writ Appeal Nos.1109 and 1110 of 2020 and a Division Bench of this Court, by a judgment dated 11.12.2020, passed the following order:

“5. Subject to the aforesaid, we direct the concerned Respondents/Authorities to give an opportunity to the present Writ Appellants A.Adarsh and V.S.Gayathri also to participate in the mop-up counselling procedure which is said commencing from Monday 14.12.2020 and allot them Seat/Admission in the Colleges by permitting them to change their category from 'Unreserved' to “OBC”.

4. Learned counsel appearing for the Respondents 1 to 3 has no objection to the submissions made by the learned counsel for the Petitioner.

5. As a similar issue came up for consideration before the Division Bench of this Court and the Court allowed similarly situated candidates to



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change their category from "Unreserved" to "OBC", this Court directs the Respondents 1 to 3 herein to permit the Petitioner to participate in the mop-up counselling said to commence in the future and allot her a seat in the Colleges by permitting her to change her category from 'Unreserved' to "OBC".

6. The Writ Petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

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Index : Yes/No  
Speaking Order : Yes/No  
NCC : Yes/No  
(rap)

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Department of Health and Family Welfare,  
Ministry of Health & Family Welfare,  
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Nirman Bhavan,  
New Delhi – 110 011.
2. Chairman, D.G.H.S.,  
The Medical Counselling Committee (MCC),  
Ministry of Health & Family Welfare,  
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Room No.348, 'A' Wing, Nirman Bhavan,  
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**M.DHANDAPANI,J.**

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