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W.P.No.19881 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.07.2023

CORAM : JUSTICE N.SESHASAYEE

W.P.No.19881 of 2023

Minor S.Anees Rehana
Rep by his father and Natural Guardian
Mr.M.Sheik Mujibur Rahman

.... Petitioner

Vs

1.The Secretary
Union of India
Ministry of Education
New Delhi – 110 001.

2.The Secretary
Union of India
Ministry of Health and Family Welfare
New Delhi – 110 001.

3.The Senior Director
NEET (UG)
National Testing Agency
C-20 1A/8, Sector 62, IITK Outreach Centre
NOIDA – 201309.

4.The Chairman
National Medical Commission
Pocket-14, Sector-8, Dwaraka Phase-1
New Delhi-110077, India.

5.The Medical Counselling Committee
(MCC) Rep. by its Chairman DGHS



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Ministry of Health and Family Welfare,
Government of India Room No.348 A Wing
Nirman Bhavan, New Delhi – 110011.

6.Selection Committee

Rep. by its Chairman
Directorate of Medical Education
163, Periyar E.V.R.High Road
Kilpauk, Chennai – 600 010.

7.The Director of Medical Education

Director General of Health Services
156, Poonamallee High Road
New Boopathy Nagar, Chetpet
Chennai – 600 031.

8.National Board of Examinations

H698+9FC, Medical Enclave
Ansari Nagar, Mahatma Gandhi Marg
Rind Road, New Delhi
Delhi – 110 029.

.. Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the respondents to pass appropriate orders for the rectification of the category from GENERAL TO OBC in the NEET (UG) 2023 Score Card of S.ANEES REHANA with APPLICATION NO.230410690968 and Roll No.4101280086.

For Petitioner : Mr.A.Syed Kaleesha

For Respondents : Mr.R.Subramaniam
ACGSC for R1 & R2
Ms.Sunita Kumari
Senior Counsel for NTA for R3



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Ms.Shubharanjani Ananth for R4

Ms.M.Sneha for R6

Mr.S.J.Mohammed Sathik for R7

ORDER

The petitioner, a minor, has filed this petition through her next friend and father, says that she belongs to Muslim Labbai community, and that it is a notified OBC community. However, when the petitioner applied for sitting in the NEET (UG) Examination, 2023, she inadvertently filled the online application as if she belongs to the General Category. The petitioner has scored 127 out of 720, and for general category the cut off mark is 137. The petitioner now says that the information provided in the online application has happened by mistake, and to support that the petitioner belongs to OBC he has produced a community certificate issued on 18.06.2023

2.This Court is informed that the community classification as per the Central Government Notification are Open Category, OBC, SC and ST. The category OBC is further divided into Creamy Layer and Non Creamy Layer. However, when it comes to this State, the categories are Open Category or General Category, MBC, BC, SC & ST. Those who fall within MBC and BC as per the State classification will fall under the category OBC under the



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Central classification. This difference in categorisation of communities is said to create confusion and that that this is one such instance, this Court is informed.

3.Mr.R.Subramanian, the learned ACGSC takes notice for the 1st and 2nd respondents. Mrs.Sunitha Kumari, the learned standing counsel takes notice for 3rd respondent. Mrs.Shubharanjani Ananth, the learned standing counsel takes notice for the 4th respondent. Mrs.Sneha, the learned counsel takes notice for the 6th respondent and Mr.S.J.Mohammed Sathik, learned Government Advocate takes notice for 7th respondent.

4. This court is informed that the intimation for interview would be dispatched based on the category in which a candidate falls, taking into account the cut-off marks prescribed for the category, and that since the online registration for NEET (UG) 2023 Counselling for Government College has ended, and since the process of converting the category from "General" to "OBC" will take sometime, if the petitioner insists in considering her name at the middle of the admission process of the current academic year, it will disrupt the process.



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5. The petitioner has created a situation for herself. A sheer lapse in care on her part is likely to spoil her hopes in joining the medical course in the current academic year. This Court sympathises with the petitioner, but mere sympathy cannot vest the petitioner with any right that she be called for counselling.

6. This Court now directs that the second respondent to consider the case of the petitioner, cause an enquiry if it is felt necessary, and change her category from General to OBC (Non-creamy layer) in the NEET results for the examination for UG, 2023 as expeditiously as possible. And, in the eventuality of the second respondent changing the category of the petitioner as required by her, the same is required to be communicated to such authority who are entrusted with the responsibility of conducting counselling. The writ petition is disposed of accordingly. No costs.

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Index : Yes / No

Speaking order / Non-speaking order
ds

Note : Issue order copy on 18.07.2023



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