



W.P.No.19804 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.07.2023

CORAM

MR.JUSTICE N.SESHASAYEE

W.P.No.19804 of 2023
and W.M.P.Nos.19121 and 19124 of 2023

1.Magathi Mirra Rajkumar (minor)
Rep. by his father
Venkatrama Rajkumar Ramakrishnan

2.Tarun Jayaraj (minor)
Rep. by his father
Jayaraj Viswanathan

... Petitioners

Vs.

1.The State of Tamil Nadu
Rep. by Principal Secretary to the Government,
Health and Family Welfare Department,
Fort St.George, Secretariat,
Chennai-600 009.

2.The Director of Medical Education,
Directorate of Medical Education,
Kilpauk, Chennai-600 010.



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3.The Secretary, Selection Committee,
162, Periyar E.V.R.High Road,
Directorate of Medical Education,
Kilpauk, Chennai-600 010.

4.Union of India
Rep. by its Secretary,
To Government of India,
Ministry of Home Affairs,
North Block, New Delhi-110 001.

5.The National Medical Commissioner
Rep. by its Secretary,
Pocket 14, Sector-8, Dwaraka,
New Delhi-110 007.

... Respondents

PRAYER: The writ petition filed under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus, calling for records of the impugned prospectus for admission to MBBS/BDS degree courses under Mangement quota including Minority /NRI seats in self-financing Medical/Dental colleges in Tamil Nadu affiliated to the Tamilnadu Dr.M.G.R. Medical University 2023-2024 session dated 27.06.2023 issued by the 3rd respondent, quash clause 6(b) to the extent that it restricts the petitioners only to NRI seats and consequently, direct the 3rd respondent to permit the petitioners to apply and participate in the counseling for admission to MBBS/BDS in Management Quota seats in Tamil Nadu including Minority/NRI seats in self-financing Medical/Dental colleges on par with Indian Citizens.



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For Petitioners : Mr.V.P.Raman

For Respondents : Mr.M.Bindran
Additional Government Pleader
for R1 and R2

Ms.M.Sneha for R3

Mr.V.Ashokumar,
Central Government Counsel for R4

Ms.Shubharanjini Ananth for R5

ORDER

The petitioners herein are Overseas Indian Citizen (OCI) cardholders, and they having cleared NEET(UG) 2023 exams, now propose to apply for medicine in the management quota. They however, face some difficulty when tried downloading the prospectus online they received two different prospectus, and the difference was in Clause 6 thereof, which prescribes the General Eligibility Criterion for the candidates to apply for the medical counselling. The difference between the two are shown the in the table below:



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General Eligibility Criteria (NEET UG-2023)	
A	B
a)	a).....
b) Non-Resident of India (N.R.I) and persons of India Origin (P.I.O) / Overseas Citizen of India (O.C.I) are also eligible for admission in Medical / Dental Colleges subject to the rules and regulations framed by the Government of Tamil Nadu / Government of India. Persons of India Origin (P.I.O) / Overseas Citizen of India (O.C.I) will be considered only for the NRI seats as per Gazette of India, dated 04.03.2021. They will not be eligible for any kind of reservation.	b)As per NEET UG-2023 Information Bulletin amended Clause 5.2.2., dated 15/04/2023 Indian Nationals, Non Resident Indians (NRIs), Overseas Citizen of India (OCI), Persons with Indian Origin (PIO) and Foreign Nationals are eligible for admission in Medical /Dental/Ayurveda/Siddha/Unani/ Homeopathy Colleges subject to rules and regulations framed by the respective State Governments, Institutions and the Government of India as the case may be.
	c)

2. Apparently, there is a mismatch between the two. The one in Column 'A' on the left hand side does not confirm to the dictum in *Anushka Rengunthwar vs. Union of India*, [2023 SCC Online SC 102], whereas the one on the right hand side in Column 'B' conforms to it.



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3.Learned counsel for the 3rd respondent, on instruction, made a statement that only the one on the right hand side in Column 'B' alone is currently applicable, and the other one was prior to the amendment. This implies that if a candidate had obtained OCI card obtained prior to 04.03.2021, the cut off date stipulated in *Anushka's case*, he/she has to be treated at par with the Indian citizens. Since, this aspect has been clarified nothing more needs to be decided in this matter.

4.This Court requires the 3rd respondent to ensure that the online application form is also suitably amended, if required, forthwith to enable the petitioners to apply for the NEET UG-2023 counselling.

5.In view of the above, this Writ Petition stands closed. Consequently, the connected miscellaneous petitions are closed. No Costs.

06.07.2023

(1/2)

Anu

Index : Yes / No

Neutral citation : yes/no

Note to office:Issue order copy on 07.07.2023



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N.SESHASAYEE, J.
Anu

To

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2.The Director of Medical Education,
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3.The Secretary, Selection Committee,
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