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W.P.No.19810 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.07.2023

CORAM

MR.JUSTICE N.SESHASAYEE

W.P.No.19810 of 2023
and W.M.P.Nos.19130 and 19134 of 2023

1.Rohan Ravi

2.Soorya Balasubramanian (minor)
Rep. by his father Mr.Balasubramanian Karthikeyan

3.Magathi Mirra Rajkumar (minor)

4.Benjamin Enoch Thompson

5.Prathyanka Hemalekha Jayakumar (minor)
Rep. by her father Mr.Jayakumar Mahalingam

6.Annanya Ganapathy Subramanian

7.Keertana Subramaniyan

8.Aibhilin Geona Alwin

... Petitioners

Vs.



W.P.No.19810 of 2023

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.

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 in Tamil Nadu Government Medical/Dental Colleges, Government Quota Seats in self-financing Medical/Dental colleges, ESIC medical college, K.K.Nagar, Chennai affiliated to the Tamil Nadu Dr.M.G.R.Medical University 2023-



W.P.No.19810 of 2023

2024 session dated 27.06.2023 issued by the 3rd respondent, quash Clause 7 General Eligibility Criteria in so far as it excludes the petitioners and consequently, direct the respondents to permit the petitioners to apply and participate in the counseling for admission to MBBS/BDS seats in Government Medical/Dental Colleges and Government Quota seats in self-financing colleges on par with the Indian citizens.

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 challenge Clause 7 of the Prospectus for the Admission *inter alia* to a course in medicine. They have cleared NEET (UG), 2023 exams and are required to apply online for counselling. Clause 7 prescribes the General Eligibility criterion required to be satisfied by the



W.P.No.19810 of 2023

candidates. It states that the candidates must be a citizen of India. Their grievance is that they hold Overseas Citizen of India Card (OCI) issued to them prior to 04.03.2021, and that in terms of *Anushka Rengunthwar vs. Union of India*, reported in **2023 SCC Online SC 102**, these petitioners are entitled to the benefit of ordinary citizens of the country.

3.Learned counsel for the 3rd respondent has now circulated G.O (D) No.795, Health and Family Welfare (MCA-1) Department, dated 05.07.2023, whereunder the eligibility criteria has been amended to include the candidates who hold Overseas Citizen of India Card, obtained by them prior to 04.03.2021, the cut off date prescribed in the *Anushka's case*.

4.Learned counsel for the petitioners expressed his anxiety that while the G.O., introducing necessary amendment was issued on 05.07.2023, it is not known whether corresponding changes were also brought in the online application form.



W.P.No.19810 of 2023

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

6.In view of the above, nothing survives in this petition and the Writ Petition stands closed accordingly. Consequently, the connected miscellaneous petitions are closed. No Costs.

06.07.2023

(2/2)

Anu

Index : Yes / No

Neutral citation : yes/no

Note to office:Issue order copy on 07.07.2023

To

1.The 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.

3.The Secretary, Selection Committee,
162, Periyar E.V.R.High Road,
Directorate of Medical Education,
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W.P.No.19810 of 2023

N.SESHASAYEE, J.

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4.The Secretary,
To Government of India,
Ministry of Home Affairs,
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5.The National Medical Commissioner
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