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W.P.No.20834 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.07.2023

CORAM : JUSTICE N.SESHASAYEE

W.P.No.20834 of 2023

Anjum.R

... 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 (PG)

National Testing Agency

C-20, 1A/8, Sector 62, IITK Outreach Centre

Noida - 201 309.

4.The Chairman

National Medical Commission

Pocket-14, Sectr-8, Dwaraka Phase-1,

New Delhi - 110 077.

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 - 110 011.

6.The 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.The National Board of Examinations

H698+9FC, Medical Enclave
Ansari Nagar, Mahatma Gandhi Marg
Ring 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 (a) directing the respondents to pass appropriate order for the rectification of the category from GENERAL TO OBC in the NEET (PG) 2023 Score card of ANJUM.R with APPLICATION ID.PG23001856 and ROLL No.23661154269, petitioner's representation dated 09.07.2023; (b) pass any other order as this Court may deem fit.



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For Petitioner : Mr.G.Dakshinamurthy

For Respondents : Mr.P.K.Ganesh, CGSC for R1 & R2
Ms.Sunita Kumari, Standing Counsel for R3
Ms.Shubaranjani Ananth for R4
Ms.Sneha for R6
Mr.M.Bindran, Addl. Govt. Pleader for R7

ORDER

The petitioner says that she belong to Labbai Community, and is a notified OBC community. The petitioner herein has applied for sitting in the NEET (PG) Examination, 2023, and she inadvertently filled the online application as if she belongs to the General Category. 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 (Non creamy category) , she has produced a community certificate issued on 25.06.2023. She now requires that this be changed in her NEET results in order to facilitate her to prosecute her PG Course accordingly, and has produced a certificate, dated 25.06.2023 to that effect,. The learned counsel for the petitioner submitted that the petitioner has to register for NEET (PG) 2023 counselling, for which she has to make online application, which was originally notified to close today (13.07.2023), and has since been extended till 17.07.2023.



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2. Mr.P.K.Ganesh, the learned CGGSC takes notice for the 1st and 2nd respondents. Mrs.Sunitha Kumari, the learned Standing Counsel takes notice for the 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.M.Bindran, learned Additional Government Pleader takes notice for seventh respondent

3. 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 (PG) 2023 Counselling ends on 17.07.2023, 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.

4. The petitioner has created a situation for herself. A sheer lapse in care on her part is likely to spoil her hopes of joining a post graduation course in the



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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.

5. 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 his category from OC to OBC (Non-creamy layer) in the NEET results for the examination for PG, 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.

13.07.2023

Index : Yes / No
Speaking order / Non-speaking order
tsg/ds

Note : Issue order copy on 17.07.2023



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To:

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N.SESHASAYEE.J.,

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