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W.P.No.21619 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 20.07.2023

Pronounced on : 21.07.2023

CORAM : JUSTICE N.SESHASAYEE

W.P.No.21619 of 2023
and WMP.No.20991 of 2023

S.Kalaimani

... Petitioner

Vs.

- 1.The Director
NEET Examinations
Shiksha Kendra
No.2, Community Center
Preet Vihar
New Delhi - 110 092.
- 2.The Secretary
Selection Committee
Directorate of Medical Education
Chennai - 600 010.
- 3.The Director
Public Health and Preventive Medicine
Directorate of Health Services
No.359, Anna Salai
Teynampet
Chennai - 600 006.



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4. Tamil Nadu Medical Council
Represented by its Secretary
No.914, Poonamallee High Road
Arumbakkam
Chennai - 600 105.

5. The Secretary
Union of India
Ministry of Health and Family Welfare
New Delhi - 110 001.
[R5 - suo motu impleaded]

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to constitute a Committee for MBBS Admission and to consider the candidate Student Selvi.S.K.Nandhini with Roll No.4101190051 to be considered only in OBC Category notwithstanding the denotation of General Category in the process of NEET Application if otherwise eligible in the said category.

For Petitioner : Mr.V.Manohar

For Respondents : Ms.Sneha for R2
Mr.G.Ameedius
Government Advocate for R3

ORDER

The petitioner claims that her minor daughter S.K.Nandhini belongs to OBC community and has passed her NEET examination for the UG course – 2023.



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However, when she applied online for the NEET examination, she inadvertently mentioned her category as General category. Now, the petitioner has approached this Court for a direction to constitute a committee for the MBBS Admission to consider the candidature of her daughter S.K.Nandhini in the OBC category, notwithstanding the mistake she had committed when she applied online for NEET examination.

2.Learned counsel for the petitioner submitted that the petitioner's daughter made a mistake while applying online for the NEET examination and this was realised by her only now, and pleaded that a blossoming career in medicine should not be killed by an inadvertent mistake of young Nandhini. Learned counsel also circulated the authorities of this Court made in W.P.No.19677 of 2023 dated 30.06.2023.

3. This Court *suo motu* impleads The Secretary, Union of India, Ministry of Health and Family Welfare, New Delhi - 110 00,1 as 5th respondent.

4.Mrs.M.Sneha, the learned counsel takes notice for the 2nd respondent and made a statement that as per her instructions, the petitioner's daughter has not



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even registered herself for counselling for the UG course, which closed on 15.07.2023. She added that there is a mechanism provided whereby the petitioner may have to approach the Department of Health and Family Welfare, within a prescribed period for having the correction made, and if the correction could be made at least before the commencement of counselling, there is a possibility of she being considered for the current academic year, but here is the situation where the petitioner's daughter has not even registered herself for counselling. She would submit that constituting a special committee for considering the exclusive claim of the petitioner is impermissible and untenable in law.

5. This Court carefully weighed the rival submissions. To large extent the petitioner has invited the present situation upon herself. Her first mistake in mentioning her category as General can be considered as innocent, but her failure in not even to register herself for counselling is a terrible mistake. Here is an All India Admission process, where lakhs of students participate annually for few thousand seats, and it is inconceivable that a special committee could be constituted for a special treatment to the petitioner's daughter. Indeed, she has not even impleaded the entity who could help her



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cause, and it is this Court now *suo motu* impleaded the 5th respondent for the purpose.

6. This Court witnesses a spate of cases with identical complaints/grievances, but in all those cases, the students have registered themselves for counselling, and this Court too has directed the 5th respondent to consider changing the category of the students from General to OBC. In all those cases, the students wait with anxiety that the 5th respondent make necessary corrections in the NEET score card before the counselling. But in this case, the petitioner's daughter spoiled her prospects by not even registering for the counselling.

7. This Court now directs the 5th respondent to make necessary correction in the NEET score card of Nandhini, if the facts stated by her are true, but this court also hastens to state that no new gate could be opened for Nandhini. This Court sympathises with Nandhini, but still it is helpless in helping her, as it cannot bend the rules for accommodating her carelessness.



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8. In the result, this writ petition is dismissed. No costs. Consequently,
connected miscellaneous petition is closed.

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



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N.SESHASAYEE.J.,

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Pre-delivery order in
W.P.No.21619 of 2023

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