



WEB COPY



W.P.No.22111 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.07.2023

CORAM : JUSTICE N.SESHASAYEE

W.P.No.22111 of 2023
and WMP.No.21517 of 2023

G.Puja Kumari

.... Petitioner

Vs

1.The Selection Committee

Rep by its Secretary

Admission to MBBS/BDS Course 2023-2024 Session

Directorate of Medical Education

163, Periyar E.V.R.High Road

Kilpauk, Chennai - 600 010.

2.The Director of Medical Education

162, Periyar EVR Road

Kilpauk, Chennai - 600 010.

3.The Medical Council

Rep by its Secretary

Dwaraka Phase

New Delhi - 110 077.

.... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the first respondent to consider the claim of the petitioner with application No.23UG802647 and NEET Roll No.4120010192 and Rank No.5303 for admission to I year



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MBBS Course in Academic Year 2023-2024 in Government Medical Colleges under MBC Category and to allow her complete the course .

For Petitioner : Mr.V.Muthappan

For Respondents : Mrs.M.Sneha for R1
Ms.Shubharanjini Ananth for R3
Mr.A.Anandan
Government Advocate for R2

ORDER

The petitioner's origin is Bihar but she is a native of Tamil Nadu. According to the petitioner, her father who hails from Bihar, migrated to Tamil Nadu in 1991. She had her entire schooling in Tamil Nadu. Now for seeking admission to medical college, she took NEET UG Exam 2023, and she scored 519 out of 720. She claims that she belongs to MBC community. She was issued a community certificate by the concerned Tahsildar that she belonged to MBC community. Subsequently, she registered herself for counselling in UG programme. Claiming that she belongs to MBC community, she uploaded her documents in terms of the Government prospectus. One of the documents that was insisted as per the prospectus for Government quota for the current academic year 2022-2023 is that, one



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of the parents' community certificate must have been obtained in Tamil Nadu to claim communal reservation.

2. The petitioner has made an attempt last year with the community certificate of her father, obtained from Bihar. In the last year prospectus, it appears there was no insistence that the said community certificate for the parent must be obtained from Tamil Nadu, but this year prospectus has included it. Since the petitioner's parents community certificate issued locally was not uploaded during NEET UG online registration, the petitioner was placed in the 'Open Category' and not in MBC category. This is now sought to be corrected.

3. This Court finds at the end of the day, the candidate has a community certificate which says that she belongs to MBC category, and it is she who is going to join the course and not her parents. Therefore, this Court considers that it would be bit unfair to this candidate if she is not allowed to participate in the NEET UG counselling under MBC category, for the failure of her parents to obtain a community certificate locally. What if in a given case, a child studying well in Tamil Nadu, and also obtained a



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community certificate seeking reservation in the Government quota, but without any of her parents living. These are all larger questions, but for the present, this Court merely directs the first respondent to change the category of the petitioner from 'OC' category to 'MBC' category in the provisional rank list published for counselling.

4. This Court makes it clear that this order is specific to this case and it keeps all the issues open since it has got larger ramifications, possibly even the Government for the day have to spend some time over this.

5. To conclude, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

27.07.2023

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

Note : Issue order copy on 27.07.2023



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N.SESHASAYEE.J.,

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