



WEB COPY



W.A.No.2093 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.08.2023

CORAM :

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.D.AUDIKESAVALU

W.A.No.2093 of 2023

S.Munusamy

.. Appellant

Vs

1.The Secretary,
Tamil Nadu Health and Family Welfare Department,
Government of Tamil Nadu,
Fort St. George, Chennai.

2.The Secretary,
Directorate of Medical Education and
Research Selection Committee,
Directorate of Medical Education,
No.162, Periyar EVR High Road,
Kilpauk, Chennai-600 010.

3.The Secretary,
National Medical Commission,
Pocket-14, Sector-8, Dwaraka Phase-1,
New Delhi-110 077.

.. Respondents



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Prayer: Appeal under Clause 15 of the Letters Patent against the order dated 21.7.2023 passed by the learned Single Judge in W.P.No.21451 of 2023.

For the Appellant : Mr.N.Baaskaran

For the Respondents : Mr.K.Karthik Jeganath
Government Advocate
for respondent No.1

: Ms.Sneha
for respondent No.2

: Ms.Shubaranjani Ananth
for respondent No.3

JUDGMENT

(Delivered by the Hon'ble Chief Justice)

We have heard Mr.N.Baaskaran, learned counsel for the appellant; Mr.K.Karthik Jeganath, learned Government Advocate for the first respondent; Ms.Sneha, learned counsel for the second respondent and Ms.Shubaranjani Ananth, learned counsel for the third respondent.



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2. The appellant had filed the writ petition before the learned Single Judge in W.P.No.21451 of 2023 seeking a direction to consider his application under the 7.5% reservation scheme and consequently permit the appellant to attend the counselling under 7.5% reservation scheme in 2023-24 UG Medical MBBS admission conducted by the second respondent.

3. During the pendency of the writ petition, it appears that the petitioner also made a submission that if he is not considered within the 7.5% quota reserved for the students of the Government school, then he may be considered in general category. The learned Single Judge observed that it is too early for the appellant to lose hope for he had scored the cut-off mark for the general category and he can be optimistic, subject however, to his ability to negotiate his PUC for a qualifying examination and other norms.

4. Learned counsel for the appellant submits that the appellant had passed PUC with Physics, Chemistry and Natural Science subjects. Natural Science includes Botany and Zoology.



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The appellant had also undergone practical test while clearing PUC so also English as a subject. However, the appellant's name is not included in the general category for the counselling.

5. Learned counsel for the Selection Committee (respondent No.2) submits that the appellant has not undergone the qualifying examinations i.e. 10+2+3. As such, he is ineligible to be considered.

6. Learned counsel for the third respondent submits that the regulations for admission to MBBS course is thus the same as that for NEET examination.

7. The appellant has placed on record the mark sheet to contend that the appellant had passed PUC examination with subjects Physics, Chemistry and Natural Science. According to the appellant, Natural Science includes Zoology and Botany. Subsequently, the appellant had also completed B.Sc. Botany.



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8. It is not disputed that the appellant was permitted to appear for NEET examination and has secured the cut-off marks. The dispute was with regard to his qualification of PUC and not possessing 10+2+3.

9. The Regulations pointed out by learned counsel for the second respondent, more particularly, Clause 5.4. of the NEET (UG) – 2023, does not restrict a candidate having passed 10+2+3 for only being eligible to appear for NEET (UG) 2023 examination. It includes many categories of students, even a candidate who had passed the Intermediate/Pre-degree examination in Science of an Indian University/Board or other recognised examining body with Physics, Chemistry, Biology/Biotechnology (which shall include practical test in these subjects) and also English as a compulsory subject. Code 6 also prescribes for the other qualified persons. In fact, there are 7 Codes giving different combinations for person to be eligible to apply for NEET (UG) 2023 examination.



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10. As per the contention of learned counsel for the third respondent even the norms for eligibility and admission to UG MBBS course is the same to that of NEET (UG) 2023.

11. Learned counsels for the respondents submit that there is no maximum age limit for a person to get admission to UG MBBS course.

12. In the light of that, considering the exigency in the matter that the first round of counselling is already completed, the respondent No.2 shall take a decision with regard to the eligibility of the appellant considering Clause 5.4 of the NEET (UG) – 2023 in its entirety. The appellant may also place all the documents before the second respondent immediately and the decision shall be taken on or before the registration for second round of counselling commences.

13. With these observations, the writ appeal is disposed of.



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There will be no order as to costs. Consequently, C.M.P.No.17921
of 2023 is closed.

(S.V.G., CJ.)

(P.D.A., J.)

21.08.2023

Index : Yes/No
Neutral Citation : Yes/No
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To

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