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W.P.No.24234 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.08.2023

CORAM : JUSTICE N.SESHASAYEE

W.P.No.24234 of 2023  
and WMP.Nos.23697 & 23698 of 2023

Suvethan D

... Petitioner

Vs

1.Union of India

Ministry of Health and Family Welfare  
Rep by its Secretary to Government of India  
Nirman Bhawan, New Delhi - 110 011.

2.Directorate General of Health Services /

Medical Counselling Committee  
Ministry of Health and Family Welfare  
Rep by its Director General of Health Services  
Nirman Bhawan  
New Delhi - 110 011.

3.The National Medical Commission (NMC)

Represented by its Secretary  
Pocket 14, Sector 8  
Dwarka, New Delhi - 110 077.

4.The Director of Medical Education (DME)

Government of Tamil Nadu  
No.162, EVR Periyar Salai  
Kilpauk, Chennai - 600 010.



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5. Centralized Admission Committee (CENTAC)

Government of Puducherry

Rep by its Convenor

Kamarajar Mani Mandapam

Lawspet, Puducherry - 605 008.

6. National Testing Agency

(National Eligibility-cum-Entrance Test (UG) - 2023)

Represented by Secretary

Department of Higher Education, MHRD

NSIC - MDPP Building, Okla Industrial Estate Phase III

New Delhi - 110 020.

7. The Selection Committee

Rep by its Chairman

Directorate of Medical Education

163, Periyar E.V.R. High Road

Kilpauk, Chennai - 600 010.

.... Respondents

[R7 suo motu impleaded vide order dated 14.08.2023  
in W.P.24234 of 2023]

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus calling for the records on the file of the fifth respondent herein in its communication dated 09.08.2023 and quash the same and to direct the respondents herein to pass appropriate orders to rectify the erroneous entry of the petitioner's Date of Birth from 04.10.2000 to 04.10.2004 and to direct the respondents herein to consider the candidature without putting the Date of Birth mismatch as an impediment and to allot him admission to First Year MBBS Course in the institution in accordance with his merit ranking, community and other eligible factors.



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For Petitioner : Mr.M.Ravi

For Respondents : Mr.A.Prakash  
Additional Central Government  
Standing Counsel [R1 & R2]

Ms.Shubharanjani Ananth for R3

Mr.C.Kathhiravan  
Special Government Pleader for R4

Mr.A.Tamilvannan  
Addl Government Pleader (Pondy) for R5

Ms.Sunita Kumari for R6

Mrs.M.Sneha for R7

### ORDER

The petitioner has taken his NEET UG examination for the year 2023-2024, and has obtained 406 out of 720 marks. He registered himself for counselling both in Puducherry, and Tamil Nadu, and according to him, he is eligible in both the places. But the petitioner's name did not find place in the extract of 'Draft Merit List for NEET based UG Medical Course' released by the fifth respondent, and even the verification status of NEET score card reveals his status as 'failed' with remarks 'DOB mismatch'.



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2. The grievance of the petitioner is that while he has given his correct date of birth in his online application for counselling, he has given the wrong date of birth in his registration for NEET examination, by mistake. His correct date of birth is 04.10.2004, whereas he has given it as 04.10.2000 in his NEET examination.

3. Mr.A.Prakash, learned Additional Central Government Standing Counsel takes notice for respondents 1 and 2, Ms.Shubharanjani Ananth, learned counsel takes notice for the 3<sup>rd</sup> respondent, Mr.C.Kathiravan, learned Special Government Pleader takes notice for the 4<sup>th</sup> respondent, Mr.A.Tamilvannan, learned Additional Government Pleader (Pondy) takes notice for the 5<sup>th</sup> respondent and Ms.Sunita Kumari, learned counsel takes notice for the 6<sup>th</sup> respondent.

4. This Court suo motu impleads "The Selection Committee, Rep by its Chairman, Directorate of Medical Education, 63,Periyar E.V.R.High Road, Kilpauk, Chennai - 600 010, as 7<sup>th</sup> respondent, and Mrs.M.Sneha, learned counsel takes notice for the newly impleaded respondent.



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5. Heard the learned counsel for the seventh respondent. The learned counsel submits that it is not of significance in considering the case of the petitioner as long as the petitioner places his birth certificate for perusal of the Selection Committee. Now notwithstanding this discrepancy the petitioner's name finds a place in the rank list of the management quota for the year 2023-2024, submitted the counsel. This Court records the statement of the counsel for the seventh respondent.

6. The learned Additional Government Pleader appearing for the fifth respondent brought to the notice of the Court, Clause No.5(9) of the Information Brochure - Volume II of the fifth respondent for the year 2023-2024, and would submit that once the payment is made for the application form, no corrections, additions, deletions etc., in any manner will be allowed, and hence, the fifth respondent has chosen not to consider the case of the petitioner for counselling.

7. Inasmuch as the counsel for the seventh respondent (Selection Committee, Tamil Nadu) has already indicated that it had included the name



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of the petitioner in the management quota, notwithstanding the difference in the year of the birth of the petitioner in the NEET score card and in the online application for counselling, no order need be passed against it.

8.1 Turning to the objection raised by the fifth respondent, the issue does not relate to seeking a correction in the application form for counselling, but only a request not to consider the error in mentioning the date of birth of the petitioner in the NEET score card.

8.2 This Court, therefore necessarily has to direct the fifth respondent to include the name of the petitioner for counselling, provided he produces his birth certificate.

9. The fifth respondent (CENTAC), it is now directed to include the name of the petitioner for counselling scheduled to take place on 16.08.2023. The learned counsel for the fifth respondent is directed to inform CENTAC about this order.



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10. The writ petition stands disposed of accordingly. No costs.  
Consequently, connected miscellaneous petitions are closed.

14.08.2023

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

Note : Issue order copy on 17.08.2023

To:

1.Union of India

Ministry of Health and Family Welfare  
Rep by its Secretary to Government of India  
Nirman Bhawan, New Delhi - 110 011.

2.Directorate General of Health Services /

Medical Counselling Committee  
Ministry of Health and Family Welfare  
Rep by its Director General of Health Services  
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New Delhi - 110 011.

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163,Periyar E.V.R.High Road  
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N.SESHASAYEE.J.,

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