



W.A.No.2262 of 2023

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.09.2023

CORAM

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE P.D.AUDIKEVALU

W.A.No.2262 of 2023

S.Kalaimani

.. Appellant

Vs.

1. The Director
NEET Examinations
Shiksha Kendra
No.2, Community Center
Preet Vihar, New Delhi 110 002.
2. The Secretary
Selection Committee
Directorate of Medical Education
Chennai 10.
3. The Director
Public Health and Preventive Medicine
Directorate of Health Services
No.359, Anna Salai, Teynampet
Chennai 6.
4. Tamil Nadu Medical Council
Rep. by its Secretary
No.914, Poonamallee High Road
Arumbakkam, Chennai 105.

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5. The Secretary
Union of India
Ministry of Health and Family Welfare
New Delhi 110 001.

.. Respondents

Prayer: Appeal filed under Clause 15 of the Letters Patent against the order dated 21.07.2023 made in W.P.No.21619 of 2023.

For the Appellant : Ms.V.B.Premalatha

For the Respondents : Ms.M.Sneha
for Respondent-2

Mr.P.Muthukumar
State Government Pleader
Assisted by
Mrs.R.Anitha
Special Government Pleader
for Respondent-3

Not Ready in Notice -
for Respondents 1, 4 & 5

JUDGMENT

(Delivered by the Hon'ble Chief Justice)

The appellant had filed the writ petition before the learned Single Judge for a direction to the respondents to constitute a Committee for MBBS admission and to consider the candidature of



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her daughter from OBC category.

2. In the NEET application, the appellant's daughter has denoted General category.

3. Learned counsel for the appellant submits that by mistake, instead of OBC category, the appellant's daughter had mentioned General category in the NEET application. The appellant tried to file an application for getting admission under the State quota from OBC category. However, the application was not accepted. As such, the appellant filed the writ petition. The learned Single Judge dismissed the writ petition.

4. According to learned counsel, the appellant's daughter has secured 113 marks and the passing marks for OBC category is 107. The respondents ought to have considered the cause of the appellant's daughter. The respondents may give opportunity to the appellant's daughter to be considered at least for the third round.



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5. Learned counsel for the second respondent submits that the appellant's daughter had not applied from the State quota. No application is received from the appellant's daughter seeking admission under the State quota. Even if the appellant's daughter, by mistake, had applied from the General category, had she produced the OBC certificate or had she filed an application seeking admission from the State quota, she would have been considered. The appellant's daughter could not be considered from the General category. The passing marks for General category was 136. The appellant's daughter has secured only 113 marks.

6. The learned Single Judge negated the contention of the appellant under order dated 21.07.2023. The appellant ought to have filed the appeal immediately. But, the writ appeal was filed only on 18th August 2023. The matter was taken up immediately and we had issued notice to the respondents.

7. We could have considered the case of the appellant had the appellant's daughter had applied from the State quota. The



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contention of the appellant is that the appellant's daughter tried to apply, but the application was not accepted. In that event, the appellant ought to have approached the Court immediately. Two rounds are already over. It would be too late in the day now to direct the respondents to consider the appellant's daughter and that too, directly in the third round.

8. As the appellant's daughter had not even applied from the State quota, it will not be possible now to give direction to the respondents to consider her in the third round. Accordingly, the writ appeal is disposed of. There will be no order as to costs.

(S.V.G., CJ.)

(P.D.A., J.)

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Index : Yes/No

Neutral Citation : Yes/No

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