



W.P.No.25495 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.08.2023

CORAM

MR.JUSTICE N.SESHASAYEE

W.P.No.25495 of 2023

P.Harishmithaa

... Petitioner

Vs.

1.The Secretary,
Union of India, Ministry of Education,
New Delhi – 110001.

2.The Secretary,
Union of India,
Ministry of Health and Family Welfare,
New Delhi – 110001.

3.The Senior Director,
NEET (UG), National Testing Agency,
C-20 1A/8 Sector 62, IITK Outreach Centre,
Noida – 201308.

4. The Chairman,
National Medical Commission,
Pocket-14, Sector-8, Dwaraka Phase-1,
New Delhi – 110077.



W.P.No.25495 of 2023

5. The Medical Counselling Committee (MCC),
Rep. by its Chairman DGHS,
Ministry of Health and Family Welfare,
Government of India, Room No.348 A wing,
Nirman Bhavan,
New Delhi – 110011.

... Respondents

Prayer: The writ petition filed under Article 226 of the Constitution of India, to issue a writ of Mandamus, directing the respondents to pass appropriate orders for the rectification of the category column from GENERAL to OBC in the NEET (UG) – 2023 Score card of the petitioner P. Harishmithaa, with Application ID No: 230410732778, and Roll No. 4121040434 or pass suitable orders as this Hon'ble Court may be deem fit.

For Petitioner : Mr.D. Senthilkumar

For Respondents : Mr. A.R.L. Sundaresan,
Additional Solicitor General
Assisted by Mr.K. Srinivasamurthy
for R1, R2 & R5
Ms. Sunita Kumari for R3
Ms. Shubharanjani Ananth for R4

ORDER

The petitioner herein has participated in the NEET (UG) Programme for the academic year 2023, and made necessary application sometime in March 2023.



W.P.No.25495 of 2023

In her application, she denoted her category as General. She passed the exam and secured 119 marks out of 720. With this score, she could not participate for counselling, since the minimum cut-off mark fixed for General Category is 137 and above. The petitioner would now obtain a community certificate, dated 07.07.2023, that she belongs to Other Backward Community and requires a correction of her category in the NEET scorecard.

2.Mr. A.R.L. Sundaresan, learned Additional Solicitor General assisted by Mr. K. Srinivasamurthy takes notice for respondents 1, 2 and 5, Ms.Sunita Kumari, the learned Counsel takes notice for the third respondent and Ms.M.Shubharanjani Ananth, the learned Counsel takes notice for the 4th respondent.

3.The learned Additional Solicitor General appearing for the respondents 1,2 and 5 has drawn the attention of the Court to Clauses 10 and 11 of the Information Bulletin for Admission to Undergraduate Medical Courses issued by the second respondent, and on instructions, submitted that the details filled in the Online application was under the declaration given by the candidates, and that it cannot be changed in terms of Clause -11.



W.P.No.25495 of 2023

WEB COPY

4.Learned counsel for the petitioner brought to the notice of the Court that an earlier order passed by this Court in W.P.No.20834 of 2023 to that effect, and requested that it be so changed.

5. When this Court passed the said order in W.P.No.20834 of 2023, the Information Bulletin issued by the third respondent was not brought to the notice of the Court. As of today, in terms of the Bulletin, it cannot be changed. After all, the petitioner has applied on the basis of the information provided by the Bulletin, and hence, she cannot resile from its terms.

6. Now, inasmuch as the petitioner has obtained a community certificate to the effect that she is an OBC candidate, much belatedly, this Court is only inclined to indicate that she describing her as belonging to the General Category in the academic year 2023-2024, will not be a bar for her to apply as belonging to the OBC category in the next academic year.



W.P.No.25495 of 2023

7. With lot of sympathy for the petitioner, and wishes to her for the next academic year, and a suggestion to read the entire prospectus and guidelines carefully

before applying, this Court is constrained to dismiss this petition. No costs.

30.08.2023

Anu/mac

Index : Yes / No

Neutral citation : yes/no



W.P.No.25495 of 2023

To

- 1.The Secretary,
Union of India, Ministry of Education,
New Delhi – 110001.
- 2.The Secretary,
Union of India,
Ministry of Health and Family Welfare,
New Delhi – 110001.
- 3.The Senior Director,
NEET (UG), National Testing Agency,
C-20 1A/8 Sector 62, IITK Outreach Centre,
Noida – 201308.
4. The Chairman,
National Medical Commission,
Pocket-14, Sector-8, Dwaraka Phase-1,
New Delhi – 110077.
5. The Medical Counselling Committee (MCC),
Rep. by its Chairman DGHS,
Ministry of Health and Family Welfare,
Government of India, Room No.348 A wing,
Nirman Bhavan,
New Delhi – 110011.



WEB COPY



W.P.No.25495 of 2023

N.SESHASAYEE, J.

Anu/mac

W.P.No.25495 of 2023

30.08.2023