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W.P. No.26373 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 05.09.2023

CORAM: JUSTICE N.SESHASAYEE

W.P. No.26373 of 2023 and
W.M.P. No.25789 of 2023

S.Sharmili

... Petitioner

Vs.

1. Medical Council of India
Aiwan-E-Galib Marg, Kotla Road
Opposite to Mata Sundari College for Women
Near I.T.O. New Delhi - 110 002

2. The Tamil Nadu Medical Council of India
914, Poonamallee High Road
Amaravathi Nagar, Arumbakkam
Chennai - 600 106

3. Director of Medical Education
No.162, EVR Periyar Salai
Kilpauk, Chennai - 600 010

4. The Selection Committee
Director of Medical Education and Research
No.162, EVR Periyar Salai
Kilpauk, Chennai - 600 010

... Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India for a writ of mandamus directing the 1st respondent Medical Council of India to



W.P. No.26373 of 2023

amend the schedule on line with the notice by Medical Council of India to extend the date of resignation of All India Quota 2 on 12th or 13th September 2023 or allow offline resignation since only Tamil Nadu State round 2 results are being released late i.e 11th September 2023 which is followed for the Medical Course of Undergraduates.

For Petitioner : Mr.V.Raghupathi

For Respondents : Ms.Shubharanjani Ananth for R1
Mr.M.Bindran, AGP for R3
Mrs.Sneha for R4

ORDER

The petitioner herein has applied for PG Programme in Medicine. She having passed the NEET Examination (PG Courses) and had obtained an All India Rank of 2451 and the Tamil Nadu rank of 304. She had registered for counselling for one of the Government Medical Colleges in Tamil Nadu for All India Quota. Now, from the current academic year, a student selected in the All India Quota can resign and migrate to State Quota and it can accommodate only after the second round of counselling in the All India Quota is over. The results of the first round of counselling of All India Quota was announced by the first respondent only on 31.08.2023. The time for resignation and the last date for



W.P. No.26373 of 2023

deciding on resignation from the All India Quota and to exercise the option to move to State Quota expires on 07.09.2023. However, the migration may happen only after the second round of counselling for the State quota. This, as per the schedule, would end only on 11.09.2023. The petitioner now requires this court through this writ petition to shift the date of choice of locking of a different kind, that of moving from All India Quota to the State quota from 07.09.2023 to 12.09.2023.

2.The learned counsel for the first and fourth respondent herein in unison explained that the petitioner cannot keep alive both the options simultaneously and to decide whether to exercise the option of migration from All India quota to the State quota. Explaining it further, they took this court through the original schedule for counselling and contextually, the second round of counselling is important.

<i>Quota-wise</i>	<i>Date of Counselling</i>	<i>Date of Result</i>	<i>Date of Joining</i>
All India Quota	17.08.2023 to 25.08.2023	25.08.2023	04.09.2023
State Quota	25.08.2023 to 06.09.2023	06.09.2023	11.09.2023

This was now revised as below:



W.P. No.26373 of 2023

<i>Quota-wise</i>	<i>Date of Counselling</i>	<i>Date of Result</i>	<i>Date of Joining</i>
All India Quota	17.08.2023 to 25.08.2023	31.08.2023	07.09.2023
State Quota	02.09.2023 to 04.09.2023	11.09.2023	14.09.2023

3.1. Whether it is the first (original) schedule or the revised schedule, it, even though provides an option to move from the All India quota to State quota, at the end of 2nd round of counselling, the decision has to be taken by a candidate on migration, latest by the date of joining in the All India quota. In other words, a candidate cannot keep alive its selection in the All India quota till the results of the second round of counselling for the State quota are announced. In other words, there is no interjection point between the All India quota and the State quota, but rather two islands are created, one for the All India quota and the other for State quota, and to avoid seat blocking in the All India quota with an option to jump to the State quota, it is devised that a candidate who intends to migrate from the All India quota to State quota, shall have to take a call before joining date after the second round of counselling for the All India quota.

3.2. The prayer now made by the petitioner intends to bring two islands created by the scheme of selection to a point of interjection and this is not available



W.P. No.26373 of 2023

within the admission process.

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4.This court now considers that the petitioner may have to make her choice on or before 07.09.2023. If she wants to play safe she may have to stick to All India quota, and if she is daring she can always take a chance and move to the State quota, and then take a chance she might be taking. Promising nothing but lots of wishes for the petitioner, this court only requires the petitioner to consult her intelligence and intuition, and to take a call in this petition.

5.In conclusion, this writ petition is dismissed. No costs. Consequently, the connected writ miscellaneous petition is closed.

05.09.2023

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

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5. The Government Pleader
High Court, Madras

N.SESHASAYEE, J.,

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