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W.P.No.27499 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.09.2023

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MR.JUSTICE N.SESHASAYEE

W.P.No.27499 of 2023
and W.M.P.No.26944 of 2023

S.Karthikeyan

... Petitioner

Vs.

1.The Government of India
Rep. by its Secretary
Department of Health and Family Welfare
Ministry of Health & Family Welfare
Room No.348, 'A' Wing, Nirman Bhavan
New Delhi 110 011

2.The Medical Counselling Committee (MCC)
Rep by its Chairman, D.G.H.S
Ministry of Health & Family Welfare
Government of India
Room No.348, 'A' Wing, Nirman Bhavan
New Delhi 110 011

3.The Associate Dean for Graduate Medical Education (ADGME)
Directorate General of Health Services
Nirman Bhavan
New Delhi 110 001

4.The National Medical Commission
Rep by its Chairperson
Sector 8, Pocket 14, Phase-I
Dwarka, New Delhi 110 077



W.P.No.27499 of 2023

5.National Testing Agency
Rep. by its Chairman
C20,1A/8, Sector 62
IITK Outreach Centre
Noida 201 309
New Delhi 110 077

... Respondents

PRAYER: The writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to change the date of birth of the petitioner from 27.06.2005 to 27.08.2005 in the NEET Application No.230411043398 and his Roll No. is 4118030366 for NEET (UG - 2023) and consequently direct the respondents to issue necessary certificate or communication to the petitioner.

For Petitioner : Mr.K.Selvaraj

For Respondents : Mr.K.Srinivasamurthy
Senior Panel Counsel - R1 to R3

Mrs.Shubharanjani Ananth - R4

Mrs.Sunita Kumari - R5

ORDER

By consent, this writ petition is taken up for final disposal at the admission stage itself.



W.P.No.27499 of 2023

2.The petitioner has secured a medical seat (UG) in a certain deemed medical university, but he faces a problem since his NEET score card provides a wrong date of birth. Now he is in peril of losing the seat he has secured owing to this mistake.

3.Mr.K.Srinivasamurthy, the learned Senior Panel counsel has taken notice for the respondents 1 to 3. Mrs.Shubharanjani Anath, the learned counsel has taken notice for the 4th respondent. Mrs.Sunita Kumari, the learned counsel has taken notice for the 5th respondent.

4.Learned counsel for the 5th respondent submitted that National Testing Agency (NTA) has provided a window for correcting any mistakes in the application form between 08.04.2023 and 10.04.2023 and the petitioner ought to have done it.

5.There is some confusion as to who should make the correction. That will be considered in the second part of this order. This Court has taken a consistent view that once the registration for counselling is closed, it would not direct reopening the portal for any purposes since it will a) amount to patronising faults of the



W.P.No.27499 of 2023

petitioner; b) convert the petitioner into some kind of a preferred candidate; and

c) it will affect the prospects of other candidates. So far as the present case is concerned, none of the three will come in the way. Since the petitioner has already secured a seat with ACS Medical College & Hospital, Chennai.

6.Turning to the prayer is concerned, inasmuch as the notification for making correction as listed by NTA is not stated to apply to deemed universities, this Court merely directs such of the respondents between respondents 1 to 4 who has the authority to correct the date of birth in the petitioner's NEET Score card (Application No.230411043398 and Roll No.4118030366 for NEET (UG - 2023)) is now required to do the needful and communicate the same to the 5th respondent for consequential correction of the NEET Score card.

7.This writ petition stands disposed of accordingly. No costs. Consequently, the connected miscellaneous petition is closed.

19.09.2023

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To

1.The Secretary
The Government of India



W.P.No.27499 of 2023

Department of Health and Family Welfare
Ministry of Health & Family Welfare
Room No.348, 'A' Wing, Nirman Bhavan
New Delhi 110 011

2.The Chairman, D.G.H.S
The Medical Counselling Committee (MCC)
Ministry of Health & Family Welfare
Government of India
Room No.348, 'A' Wing, Nirman Bhavan
New Delhi 110 011

3.The Associate Dean for Graduate Medical Education (ADGME)
Directorate General of Health Services
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