



W.A. No.2602 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.09.2023

CORAM

THE HON'BLE MR.SANJAY V.GANGAPURWALA , CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.D.AUDIKESAVALU

W.A. No.2602 of 2023

and

C.M.P. Nos. 21986 and 21987 of 2023

B.Manjamma Devi

... Appellant

-vs-

1. The Director General of Health Services
Ministry Of Health And Family Welfare
Nirman Bhavan, New Delhi – 110.
2. The National Testing Agench (Govt. Agency)
First Floor, NSIC-MDBP Building
Okhla, Industrial Estate
New Delhi-110 020.
3. The National Medical Council
Sector – 8, Pocket – 14
Dwarka Phase – I
New Delhi – 110 077.
4. Medical Counseling Committee
Ministry of Health and Family Welfare
Government of India, New Delhi.

... Respondents



W.A. No.2602 of 2023

Prayer: Writ appeal filed under Clause 15 of the Letters Patent to set aside the order dated 30.08.2023 in W.P. No. 25618 of 2023 passed by the Learned Single Judge.

For the Appellant :: Mr. M.Jothi Kumar

For the Respondents :: Ms. Shubharanjani Ananth (R3)

Mr. AR.L.Sundaresan, ASG
Assisted by
Mr. K.Srinivasamurthy (RR1 & 4)

Ms. Sunitha Kumari (R2)

JUDGMENT

(Delivered by the Hon'ble Chief Justice)

We have heard Mr. M.Jothi Kumar, learned counsel for the appellant; Ms. Shubharanjani Ananth, learned counsel for the third respondent; Mr. AR.L.Sundaresan, learned Additional Solicitor General of India assisted by Mr. K.Srinivasamurthy, learned counsel for the first and fourth respondents; and Ms. Sunitha Kumari, learned counsel for the second respondent.

2. The writ petitioner, who is the appellant herein, originally had filed the writ petition before the learned Single Judge requesting change of the category from General to OBC.



W.A. No.2602 of 2023

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3. The appellant had applied pursuant to the NEET examination for admission to the MBBS course. The appellant had filled in the form for general category. After the result was declared, the appellant found that she cannot get admission from the general category and hence, she wants admission from the OBC category.

4. According to the appellant, the appellant belongs to the caste, which is categorized as OBC in the central list. The learned counsel submits that it was because of the ignorance the wrong entry was made. There was a confusion in the mind of the appellant that the appellant's caste did not appear in the State OBC list, as such, the appellant thought that she could apply only for the general category.

5. Learned counsel submits that the last date for admission in management quota is still available. The appellant may be permitted to apply for the management quota.

6. It is not disputed by the learned counsel for the appellant that after the forms were filled in, public notice was also issued



W.A. No.2602 of 2023

permitting the candidates to make corrections in the forms. The corrections were permitted from 8th April to 10th April 2023. However, corrections were not made. Subsequently, admission process commenced. The appellant could not secure the bench mark for the general category. As such, the name of the appellant did not appear in the list of candidates to be considered under the general category. Thereafter, the appellant it appears realized that the appellant could get admission from the OBC in the central quota and as such, it appears that the appellant applied for admission from OBC category. At that time first round was over. The writ petition was filed before the learned Single Judge. The learned Single Judge under order dated 30.08.2023 dismissed the writ petition. Though the judgment was passed on 30.08.2023, the appellant filed the writ appeal only on 20.09.2023. Thereby allowing three weeks to pass by. All the rounds are already completed. Now the last date for admission from the management quota remains.

7. As the appellant has not participated in earlier round, it will not be possible to accede to the request of the appellant that the appellant should be directly allowed to participate in the management



W.A. No.2602 of 2023

quota.

8. In the light of the above, no relief can be granted to the appellant. The writ appeal stands disposed of. No costs. Connected C.M.P. Nos. 21986 and 21987 of 2023 are closed.

(S.V.G., CJ.)

(P.D.A., J.)

25.09.2023

Index : Yes/No
Neutral Citation : Yes/No

Maya

To

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W.A. No.2602 of 2023

THE HON'BLE CHIEF JUSTICE
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P.D.AUDIKESSAVALU, J.

(Maya)

4. Medical Counseling Committee
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W.A. No.2602 of 2023

25.09.2023

Page 6 of 6