



WEB COPY



W.P.No.28471 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.09.2023

CORAM : JUSTICE N.SESHASAYEE

W.P.No.28471 of 2023
and WMP.Nos.28018 & 28019 of 2023

Tejaswini T.V.

... Petitioner

Vs

1.The National Medical Commission

Represented by its Secretary,
Pocket-14, Sector-8, Dwaraka Phase-1
New Delhi - 110 077

2.The Medical Council Committee

Rep. by its Secretary
NEET PG Admission Section
Pocket-14, Sector-8
Dwaraka Phase-1
New Delhi - 110 077

3.Rajiv Gandhi Government General Hospital

Rep. by its Director
Poonamallee High Road
3, Grand Southern Trunk Rd
Park Town, Chennai - 600 003

4.National Board of Examinations in Medical Sciences

Medical Enclave, Ansari Nagar
Ring Road, New Delhi - 110 029
(Suo motu impleaded by this court in this order)

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus calling for the records of the 3rd respondent culminating in the certificate of disability for NEET Admissions bearing No.2023-Jul/000082 dated 05.07.2023, quash the same insofar as the conclusion and remark that the petitioner is not eligible to pursue medical courses as per NMC norms and direct the 1st and 2nd respondents to consider the application submitted/registered by the petitioner in Application ID No.PG23059410, NEET PG Roll No:23661066292 under the quota for Persons with Disability as a physically handicapped person by considering the certificate of disability for NEET Admissions bearing No.2023-Jul/000082 dated 05.07.2023.

For Petitioner : Mr.Yogeshwaran

For Respondents : Ms.Shubharanjani Ananth for R1
Mr.V.Chandrasekaran for R2
Mr.M.Bindran, Addl. Govt. Pleader for R3
Mr.Thirunavukkarasu for R4 (suo motu
impleaded respondent)

ORDER

The petitioner herein passed her M.B.B.S. Now she has applied for Post Graduation course in medicine and she had stated to have applied under the "Persons With Disability" quota (in short PWD quota). As required, she was before the Medical Board constituted for the purpose, which has evaluated her



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disability at 71%. In terms of the prospectus, any person with a disability in the range of 40% to 80%, is entitled to apply under PWD quota. However, in the case of the petitioner, this was denied to her under the certificate issued by the Medical Board dated 05.07.2023 because, the petitioner suffers from 'Congenital Hypoplasia of Right Hand with Rudimentary Thumb' and the Board has indicated that the petitioner is not eligible to be admitted. This is now under challenge.

2.Ms.Shubharanjani Ananth, learned counsel takes notice for the 1st respondent, Mr.V.Chandrasekaran, learned counsel takes notice for the 2nd respondent and Mr.M.Bindran, learned Additional Government Pleader, takes notice for the third respondent. This court finds that the petitioner has not arrayed the National Board of Examinations in Medical Sciences, New Delhi, as a party, which, in the eventuality of this court giving a direction to them for opening the portal for the petitioner to carry out necessary corrections, this court *suo motu* impleads 'National Board of Examinations in Medical Sciences, Medical Enclave, Ansari Nagar, Ring Road, New Delhi - 110 029' as the fourth respondent. Mr.Thirunavukkarasu, learned standing counsel takes notice for the newly impleaded 4th respondent.



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3.It is evident that the petitioner has applied under the category for PWD quota, since the certificate dated 05.07.2023 indicates it. The issue is whether the petitioner must be allowed to participate in the Mop Up counselling for PG courses. The learned counsel for the petitioner submitted that the medical condition that has visited the petitioner is Congenital Hypoplasia of Right Hand with Rudimentary Thumb. The petitioner has relatively a smaller right thumb and hence, she may not be able to perform surgery, but there are many other Post Graduation courses, which does not require any surgical procedure. The petitioner herself was in the court and this court has also understood the nature of her condition. Indeed, to a pointed query, the petitioner submitted that she writes and does all her jobs with her left hand.

4.This court considers that except for a post graduation course in surgery, the petitioner would be eligible and entitled to participate in the Mop up counselling.

5.This court is informed that registration for Mop Up counselling had concluded on 25.09.2023 (yesterday) and choice locking will be closed today. The learned counsel for the 2nd respondent (The Medical Council Committee,



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Rep. by its Secretary, NEET PG Admission Section, Pocket-14, Sector-8, Dwaraka Phase-1, New Delhi - 110 077) is now forthwith required to inform the decision of this court to the second respondent to ensure that the 4th respondent (National Board of Examinations in Medical Sciences, Medical Enclave, Ansari Nagar, Ring Road, New Delhi - 110 029) is required to keep open the portal to enable the petitioner to register herself for mop up counselling, and also for choice locking till midnight today. It is underscored, if for some reason the fourth respondent does not comply with this direction, then it creates an extraordinary situation and this court does not consider it helpless to meet this situation, and direct the fourth respondent to let the petitioner to register both for mop up counselling and also for choice locking tomorrow i.e. 26.09.2023.

6. With the above direction, the writ petition is disposed of. No costs. Consequently, the connected writ miscellaneous petitions are closed.

26.09.2023

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



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New Delhi - 110 077
- 2.The Medical Council Committee
Rep. by its Secretary
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- 4.National Board of Examinations in Medical Sciences
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- 5.The Government Pleader
High Court, Madras.



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N.SESHASAYEE.J.,

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