



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 06.10.2023

CORAM

THE HONOURABLE **DR. JUSTICE ANITA SUMANTH**

W.P.No.29300 of 2023

S.Anisan Amritha

... Petitioner

Vs

1. The Director General of Health Service,
Ministry of Health and Family Welfare,
Government of India, New Delhi – 695 121.
2. The Medical Counselling Committee (MCC)
Ministry of Health and Family Welfare,
Government of India, New Delhi – 695 121.
3. The Senior Director,
National Testing Agency,
Ministry of Education,
Ministry of Health and Family Welfare
Government of India, New Delhi.
4. The Registrar,
Mahatma Gandhi Medical College,
SBV Pondicherry Campus,
Pillaiyarkuppam,
Puducherry – 607 402.
5. The Registrar,
Shri Lakshmi Narayana Medical College,
Puducherry



6. National Medical Commission,
rep. by its Secretary,
Packet – 4, Sector -8,
Dwaraka, Phase I,
New Delhi – 110 007.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 2nd and 5th respondents to consider the petitioner on merits for the existing 5 vacancies at 5th respondent Deemed University based on her Neet rank.

For Petitioner : Mr.S.Prabakaran
Senior Counsel
for Mr.K.Kannadhasan

For Respondents : Mr.AR.L.Sundaresan
Additional Solicitor General
assisted by
Mr.K.Srinivasamurthy
Senior Panel Counsel – R1 and R2
Ms.Sunitha Kumari – R3
Ms.Shubaranjani Ananth - R6

ORDER

Mr.AR.L.Sundaresan, learned Additional Solicitor General appears for Mr.Srinivasamurthy, learned counsel who accepts notice for R1 and R2, Ms.Sunitha Kumari, learned counsel accepts notice for R3 and Ms.Shubarajjani



Ananth, learned counsel accepts notice for R6. They are armed with instructions to enable final disposal of this matter, even at the stage of admission. In light of the order that is proposed to be passed, no notice is thought necessary to R4 and R5 at this juncture.

2. The petitioner is an aspirant for a medical seat in the Undergraduate Medical course in All India quota. She was issued with a provisional allotment letter in round 3 of the NEET UG Counselling 2023 in the Mahatma Gandhi Medical College, SBV Puducherry campus. She chose not to take that seat and instead approached this Court by way of Writ Petition in W.P.No.28318 of 2023 seeking a mandamus directing the 2nd respondent, i.e., Medical Counselling Committee to permit her to participate in the All India Quota stray vacancy round, perhaps to better her prospects.

3. That Writ Petition came to be disposed on 26.09.2023. Inter alia, learned Judge has not accepted the request for mandamus, instead only permitting the petitioner to approach R4/Mahatma Gandhi Medical College seeking repayment of the deposit of Rs.2.05 lakhs that the petitioner had made with the Mahatma Gandhi Medical College.

4. Thus, and with the passing of that order, the position stood clarified that the petitioner was not entitled to avail a seat in the Mahatma Gandhi Medical



College and her request for participation in the All India quota stray vacancy was also rejected.

5. It is only on 03.10.2023 that the petitioner has written to the respondents requesting, as an exceptional case and on humanitarian grounds, that she be allotted a seat at Sri Lakshmi Narayana Medical College, Puducherry as that college had five vacant seats as on that date. She points out that the delay in making that representation on 03.10.2023 was a medical disability as she had sprained her ankle on 17.09.2023 and had been out of action for a while thereafter. She would also aver that she came to be aware of this Court's order only on 03.10.2023 and was hence unable to take action prior thereto.

6. The hands of this Court are tied in light of the mandate under the judgment of the Hon'ble Supreme Court in *Anjana Chari.S N V. Medical Counselling Committee* (W.P.(C) No.174 of 2022 dated 30.03.2022), to the effect that there be no admissions beyond the cut-off date that is fixed for a particular year.

7. For the year in question, the cut-off date has been fixed as 30.09.2023 and no admissions can be permitted beyond that date. The petitioner prays that she be permitted to make a representation to the National Medical Commission



(NMC) within a period of one (1) week from today to put forth her case and she is at liberty to do so.

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8. This Writ Petition is disposed in terms of this order. No costs.

06.10.2023

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Index : Yes / No

Speaking Order: Yes / No

Neutral Citation: Yes/No

Note: Registry is directed to issue this order on or before 09.10.2023.

To

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