



WP (MD) No.16938 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.07.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

WP(MD)No.16938 of 2023

V.Balaganesh

... Petitioner

Vs

1.The Director,
NEET Examination,
Shiksha Kendra – 2,
Community Centre, Preet Vihar,
New Delhi – 110 092.

2.The Director General of Health Service,
Ministry of Health and Family Welfare,
Nirman Bhavan,
New Delhi – 110 011.

3.The Medical Council of India,
Sector -8, Pocket 14, Phase -I,
Dwarka, New Delhi – 110 077.

4.The Selection committee,
Directorate of Medical Education,
Kilpauk, Chennai – 600 010.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a writ of mandamus directing the respondents to change the category



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of the petitioner from general category (UR) to OBC category and consequently declare him as a qualified candidate in the NEET-UG 2023 merit list by permitting him to participate in the online counselling to be held from 13.07.2023 by considering the online grievance of the petitioner dated 16.06.2023 forthwith.

For petitioner : Mr.A.Mohan
For Respondent : Mr.PT.Thiraviam
No.4 Government Advocate
For Respondent : Mr.P.Karthick
No.1. Standing Counsel
For Respondent : Mr.Shubha Ranjini Anand
No.3

ORDER

The petitioner has applied for NEET examination for the year 2023 under the general category. After the results were declared, the petitioner has obtained her community certificate that she belongs to OBC category. Along with this community certificate, the petitioner has submitted an application to change her community category from general category to OBC category and her request was not considered by the respondents. Therefore, the petitioner is before this Court.

2.Mr.P.Karthick, learned Counsel appearing for the 2nd respondent by relying on the orders of a Division Bench of this Court in W.A(MD)No.739 of 2019 dated 22.07.2019 submits that change of category from general category to



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OBC category is not possible after the declaration of the results and the relevant

portion is extracted hereunder:

“8.The writ petitioner sought for changing his communal category in the application submitted for the NEET examination. Admittedly, such request is made by the petitioner after the declaration of the results. It is seen that the authorities have provided two opportunities for the candidates, to make necessary corrections in the online application, if any, one before the examination and another, after the examination, however, before declaration of the results. It is an admitted fact that the writ petitioner has not chosen to utilise both the opportunities and however, has made the request for challenging the communal category, after the declaration of the results. We find that the petitioner is not entitled to make such request, as such request, if considered and permitted, would certainly affect the All India merit ranking list, as rightly contended by the learned Assistant Solicitor General. Therefore, we find that the writ Court is not justified in issuing a direction as granted in this case. Even otherwise, the fact remains that the petitioner, in pursuant to the order passed by the writ Court, seems to have not become successful before the counselling, even under the SC category.”

He also relied on the public notice issued on 08.04.2023, wherein a specific condition is stipulated that the candidates are not allowed to make any correction.



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3.In view of the orders cited supra and the difficulty expressed by the learned Additional Government Pleader appearing for the respondent No.4 that they are going to publish the merit list shortly, this Court is not inclined to entertain this writ petition. Accordingly, this writ petition is dismissed. No costs.

20.07.2023

NCC: Yes/ No
Internet : Yes/ No
Index : Yes/ No

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To

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B.PUGALENDHI, J.

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