



WP (MD) No.20425 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.08.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

WP (MD) No.20425 of 2023

and

WMP (MD) No.16858 of 2023

Meekenzie M Stephen

... Petitioner

Vs

The Selection Committee,
Represented by its Secretary / Director,
Admission to MBBS / BDS Course 2023 - 2024,
Directorate of Medical Education and Research,
163, Periyar EVR High Road,
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 respondent to permit the petitioner to participate in the second round counselling for government quota seats in self-financing medical colleges for the academic year 2023-2024 on payment of the Security deposit.

For petitioner : Mr.L.Shaji Chellan

For Respondents : Ms.Snekha



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ORDER

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The petitioner, who is an aspirant of becoming a Doctor has appeared in the National Eligibility cum Entrance Test 2023 [NEET] and secured 551 marks out of 720 marks. The petitioner has opted for Category - A, for the seats in Government Medical Colleges and Category - C for the seats in Government Dental Colleges. The petitioner was not selected in the first round of counselling conducted by the respondent and therefore, the petitioner is now requesting to permit her to participate in the second round of counselling for the seats under the Government quota for self-financing medical colleges.

2.The seats under the Government quota for self-financing medical colleges fall under the Category - B and the candidates, who are opting for this category have to pay a sum of Rs.30,000/- as security deposit and therefore, the petitioner was not permitted to participate in the second round of counselling. Hence the petitioner has filed this writ petition for a writ of mandamus directing the respondent to permit the petitioner to



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participate in the second round of counselling for the seats under the Government quota for self-financing medical colleges for the academic year 2023-2024 that she is prepared to pay the required security deposit of Rs.30,000/-.

3.The learned Counsel appearing for the petitioner submits that the petitioner is a meritorious student. She has secured 95.2% marks in 12th Standard in CBSE and she has scored 551 marks in NEET out of 720 marks. The cut-off mark for the BC candidates in the last year was less than 513 marks and therefore, the petitioner was under the impression that she would certainly get a seat under the Government quota in any of the medical colleges. The petitioner has opted for 37 Government Medical Colleges in Tamil Nadu in the first round of counselling conducted on 01.08.2023 and on 02.08.2023. However, the petitioner did not get any seat in the first round of counselling. The cut-off mark for this year for BC category is 560. The petitioner is having a bright choice of getting a medical seat in the second round of



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counselling under the government quota in self-financing medical colleges. However by referring to the condition of paying of Rs.30,000/- as security deposit, the respondent is not allowing this petitioner to participate in the second round of counselling. Now the petitioner is prepared pay the security deposit of Rs.30,000/- immediately. Considering the marks secured by this petitioner in the NEET, the learned Counsel for the petitioner insisted for an order from this court to consider the case of the petitioner on sympathetic grounds.

4.The learned Counsel by referring to the prospectus issued by the respondent submits that the candidates are permitted to register and choice lock the seats for the first round of counselling within a stipulated date and time as mandated in the counselling schedule and therefore, the petitioner can also be registered afresh for the second round of counselling.

5.The learned Standing Counsel appearing for the respondent by referring to the prospectus for admission to



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MBBS / BDS degree courses in Tamil Nadu Government Medical / Dental Colleges submits that there are five categories of seats, which are mentioned in clause 20 of the prospectus. The petitioner has opted for Categories - A and C, ie., for the seats in the Government Medical Colleges and for the seats in the Government Dental Colleges. The candidates, who are opting for Categories - B and D have to pay a sum of Rs.30,000/- as specified in clause 17(I)(iii) of the prospectus. The learned Standing Counsel has also drawn the attention of this Court to Clause 17(II)(d) of the prospectus and submits that the petitioner can participate in the choice, which she preferred, but she is not entitled for opting for a new choice in the second round of counselling. The learned Standing Counsel further submits that no fresh registration is permitted for this second round of counselling. It is for the candidates, who have to be careful in opting for choices initially and it cannot be changed later.

6.This Court considered the rival submissions and perused the materials placed on record.



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7.As per the prospectus issued by the respondent for admission to MBBS / BDS degree course in Tamil Nadu Government Medical Colleges and Dental Colleges, the following categories of seats are mentioned in Clause 20;

"20.Categories of Seats:

Category A - 85% seats in Government Medical Colleges

Category A1 - ESIC Medical College K.K.Nagar Chennai

Category B - Government Quota Seats in Self Financing Medical College

Category C - 85% seats in Government Dental Colleges

Category D - Government Quota Seats in Self Financing Dental Colleges"

8.At the time of registration, the candidates are expected to pay the security deposit as per Clause 17(I) and the same is extracted as under:

"Category A, A1 and C:

(i) For Government Medical Colleges - Nil

(ii) For Government Medical Dental Colleges - Nil

Category B and D :

(iii) For Government Quota Seats in

Self-financing Medical / Dental College - Rs.30,000/-"



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9. Admittedly the petitioner has opted only for the categories A and C and not for category B. Since the petitioner could not get the seat in the first round of counselling under the category - A, now she is intending to switch over the category to category - B. In the absence of any enabling provision available in the prospectus, this Court is not in a position to issue any positive direction. However considering the case of the petitioner that she is a meritorious student, who has secured 92.5% in the 12th standard in CBSE and has also secured 551 marks out of 720 marks in the NEET, the respondent shall consider the case of the petitioner sympathetically.

10. This writ petition is disposed of in the above terms. No costs. Consequently connected miscellaneous petition is closed.

21.08.2023

Note : Issue Order copy on 22.08.2023

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

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To

The Secretary / Director,
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B.PUGALENDHI, J.

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