



W.P.No.23746 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.09.2024

CORAM:

THE HON'BLE Mr.JUSTICE M.DHANDAPANI

W.P.No.23746 of 2024

R.Daisen

Represented by her guardian

T.Rajasingh

... Petitioner

Vs.

1. The Directorate,
NEET Examination,
Shiksha Kendra, 2,
Community Centre, Preet Vihar,
Delhi-110 092.
2. The Director of General of Health Services,
Ministry of Health and Family Welfare,
Nirman Bhavan,
New Delhi-110 007.
3. The Medical Council of India,
Sector-8, Pocket 14, Phase-1,
Dwarka, New Delhi 110 077.
4. The Selection Committee,
Directorate of Medical Education,
Kilpauk, Chennai-600 010.

... Respondents



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Prayer: This Writ petition has been filed under Article 226 of the Constitution of India, praying to issue Writ of Mandamus to direct the respondents to permit the petitioner to correct her community as OBC instead of the General Community enabling her to get admission in MBBS in the Foreign University.

For Petitioner : M/s.P. Manoj Kumar

For Respondents : M/s.ARL.Sundaresan
Additional Solicitor General
Asst. by M/s.Sunitha Kumari for R1

:M/s.ARL.Sundaresan
Additional Solicitor General
Asst. M/s.Shubaranjani Anand for R2

ORDER

Petitioner has come up with this Writ Petition seeking for a direction to the respondents to permit the petitioner to correct her community as OBC instead of the General Community enabling her to get admission in MBBS in the Foreign University.

2. Petitioner's daughter R.Daisen has completed Higher Secondary Examination and had participated in NEET-UG 2024. However, while filling up the application form, inadvertently, they have



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mentioned their category as “General Category” instead of Backward Community, which mistake was realised by the petitioners only upon declaration of the results of the NEET examinations.

3. Learned counsel for the petitioner has submitted that petitioner secured 157 marks in the NEET Examination and due to inadvertent mentioning of her category as “General Category”, she was declared as unsuccessful candidates. Hence, petitioner made a representation on 14.06.2024. It is further submitted that petitioner is not inclined to participate in the counselling in India, hence seeks for suitable direction.

4. Per contra, the learned Additional Solicitor General submits that as per the prospectus issued by NEET Authority, it is made clear that the information provided by the candidates in their respective applications will be final and any request for change of particulars furnished by them will not be reconsidered by National Testing Agency under any circumstances. Subsequently, considering the difficulties faced by the candidates, two opportunities were provided. Even then, without properly utilising the said opportunities, candidates have been approaching this Court after publishing of the result and that too after first round of counselling and seeking for correction



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in category, which is not permissible. Learned Addl. Solicitor General, placing reliance on the decision of the learned single Judge of the Madurai Bench as also the order passed by the Division Bench in W.A. No.2602/2023 dated 25.9.2023 and also the Division Bench of the Madurai Bench in W.A. (MD) No.739/2019 dated 22.07.2019, wherein, in similar circumstances, the Division Benches had dismissed the petitions, and submitted that the relief sought for by the petitioners in the present writ petitions are not maintainable and accordingly prays for dismissal of the same.

5. Heard the submissions made by the learned counsel appearing on either side and perused the material placed on record.

6. From the materials, it transpires that the petitioner is not trying to get admission under OBC quota in India, but she wants to utilise the application showing her community as OBC to get admission in foreign university for which there can be no legal impediment to show that her category is OBC.

7. In the light of above, this Court directs the respondents to consider the representation of the petitioner in the light of the aforesaid observation to have her category change to OBC within a period of four



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weeks from the date of receipt of this order so as to enable the petitioner to get admission in the foreign universities.

8. With the above directions, this Writ Petition is disposed of.

No costs.

04.09.2024

jai

Index: Yes/No

Internet: Yes/No

Neutral Citation: Yes/No

Note: Issue Order copy on 06.09.2024

To

1. The Directorate,
NEET Examination,
Shiksha Kendra, 2,
Community Centre, Preet Vihar,
Delhi-110 092.
2. The Director of General of Health Services,
Ministry of Health and Family Welfare,
Nirman Bhavan,
New Delhi-110 007.
3. The Medical Council of India,
Sector-8, Pocket 14, Phase-1,
Dwarka, New Delhi 110 077.



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4. The Selection Committee,
Directorate of Medical Education,
Kilpauk, Chennai-600 010.

M.DHANDAPANI J.
jai

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