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W.P.Nos.32287 & 32288 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.10.2024

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.Nos.32287 & 32288 of 2024

1.S.Bowsana ... Petitioner in W.P.No.32287 of 2024

2.M.Govindarajan ... Petitioner in W.P.No.32288 of 2024

Vs.

1.The Director,
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 – 110 077.

3.The National Medical Commission,
Sector – 8, Pocket – 14, Phase – 1,
Dwarka,
New Delhi – 110 077.

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

... Respondents in both WPs

Prayer in W.P.No.32287 of 2024: Writ Petition filed under Article 226



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of the Constitution of India praying for issuance of Writ of Mandamus, directing the first respondent 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.

Prayer in W.P.No.32288 of 2024: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the first respondent to permit the daughter of 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 : Mr.R.Vijayaraghavan
(in both WPs)

For Respondents : Mr.AR.L.Sundaresan
(in both WPs) Additional Solicitor General
Assisted by Mrs.Sunitha Kumari [R1]
Assisted by Mr.K.Srinivasamurthy [R2]
Mrs.Shubharanjani Ananth
Standing Counsel [R3]
Mrs.M.Sneha
Standing Counsel [R4]

COMMON ORDER

Since the issue involved in these writ petitions is one and the same, with the consent of the learned counsel appearing for the parties, these writ petitions were heard together and disposed of by this common order.

2. Mrs.Sunitha Kumari, learned counsel, accepts notice on behalf



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of the 1st respondent, Mr.K.Srinivasamurthy, learned counsel, accepts notice on behalf of the 2nd respondent, Mrs.Shubharanjani Ananth, learned Standing Counsel, accepts notice on behalf of the 3rd respondent and Mrs.M.Sneha, learned Standing Counsel, accepts notice on behalf of the 4th respondent. In view of the consent expressed by the learned counsel for the parties, these writ petitions are taken up for final disposal at the stage of admission itself.

3. For brevity, the petitioner/Bowsana in W.P.No.32287 of 2024 and the daughter of the petitioner in W.P.No.32288 of 2024/Tamilmalar are hereinafter referred to as 'candidates'.

4. The candidates have completed Higher Secondary Examination and have participated in NEET-UG 2024 and NEET-UG 2023 respectively. However, while filling up the application form, inadvertently, they have mentioned their category as “General Category” instead of OBC, which mistake was realised by them only upon declaration of the results of the NEET examinations. Hence, they have made representation dated 27.08.2024 and 18.06.2024 respectively to the 1st respondent though online requesting them to consider the correction



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category as OBC by enclosing relevant proof. Since the same was not considered, the present writ petitions have been filed before this court.

5. Learned counsel for the petitioners submitted that, the candidates have secured 134 and 133 marks respectively in the NEET Examination and due to inadvertent mistake of mentioning the category as “General Category” at the time of filing the application, the candidates were declare as unsuccessful candidates. The candidates belongs to OBC and if the marks secured by them is considered under the OBC category, they are eligible to join MBBS. However, in view of the mistake crept in the application form, they were now declared as unsuccessful candidates by considering them as general category. He further submitted that the candidates are not inclined to participate in the counselling in India. Accordingly, he prays for appropriate orders.

6. Per contra, learned Additional Solicitor General assisted by the respective learned counsel appearing for the respondents 1 and 2 submitted 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



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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 in category, which is not permissible. Hence, the learned Additional Solicitor General submitted that the relief sought for by the petitioners in the present writ petitions are not maintainable and accordingly, prayed for dismissal of these writ petitions.

7. Heard the learned counsel appearing for the parties and perused the materials available on record.

8. From the materials, it transpires that the candidates are not trying to get admission under OBC quota in India, but they want to utilise the application showing their community as OBC to get admission in foreign university for which there can be no legal impediment to show their category is OBC.



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9. In view of the above, this Court, without going into the merits of the case, directs the 1st respondent to forward the respective representation of the candidates to National Testing Agency within a period of one (1) week from the date of receipt of a copy of this order. Upon receipt of the same, the National Testing Agency is directed to consider the same on merits and in accordance with law and pass appropriate orders, within a period of four (4) weeks thereafter, enabling them to get admission in the foreign universities.

10. With the above directions, these writ petitions are disposed of.

No costs.

30.10.2024

Index : Yes / No
Speaking order / Non-speaking order
Neutral Citation Case : Yes/No
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M.DHANDAPANI, J.

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