



WEB COPY



W.P.No.31934 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.09.2024

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THE HONOURABLE MR.JUSTICE M. DHANDAPANI

**W.P.No.31934 of 2023 &
WMP.No.34452 of 2023**

Mugithasri

Vs.

... Petitioner

1. The Director General of health Services,
Medical Counselling Committee (MCC),
Ministry of Health and Family Welfare,
Government of India, New Delhi.
2. The Selection Committee,
Director of Medical Education,
No.162, Periyar EVR High Road,
Kilpauk, Chennai 600 010.
(R2-substituted as per order of this court
dated 07.11.2023 in WP.No.31934/2023

..... Respondents

Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus directing the 1st respondent to consider and allot a seat of M.B.B.S for the petitioner under clear vacancy for stray round UG Counselling, 2023 of NEET under all India quota of OBC category, based on the remaining vacancies of 8 seats out of 12 vacancies seats of M.B.B.S.



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For Petitioner : Mr.S.Ashok Mani Raj
For Respondents : Mr.K.S.Jeya Ganeshan,
Senior Panel Counsel – R1
Ms.M.Sneha for R2

ORDER

According to the petitioner, she scored 121 marks out of 720 marks in the NEET Exam 2023 and upon counseling conducted on 20.07.2023, she was issued with eligibility certificate on 22.07.2023. Thereafter, in the 2nd and 3rd round of counseling, she was not allotted any seat. On 21.09.2023, stray vacancy round of counselling conducted for the All India Quota OBC category for the vacant post of 12 seats, the 1st respondent filled up 4 seats out of 12 seats and the remaining 8 seats were not filled without allotting even one seat for the petitioner, as if no vacancy remains and closed the same as if vacancy for OBC quota was filled up.

2. Aggrieved by the same, the petitioner sent a representation to the 1st respondent on 15.10.2023, however the 1st respondent announced special schedule of stray vacancy round on 15.10.2023, which is contrary to law. The



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representation of the petitioner was not considered till date, hence, she has come forward with the present writ petition.

3.The learned counsel for the petitioner submits that when there are 12 vacancies very much available for OBC quota in the stray counseling, the 1st respondent did not consider the petitioner for allotment of seat at the stray vacancy round, which is illegal. He further submitted that the representation of the 1st respondent was also not considered by the 1st respondent. Therefore. he prayed for suitable direction.

4. Learned counsel for the respondents submitted that the time schedule for counseling fixed by the Supreme Court of India for completing Mop up round was over and in that counseling all the seats were filled up with eligible candidates and the seats lapsed cannot be given to the unqualified candidates and the same would be filled up in the upcoming NEET Examination.

5. Heard both sides and perused the materials available on record.



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6. The petitioner secured 121 marks out of 720 marks in NEET Examination 2023. Her grievance is that though she participated in three round of counseling and stray vacancy round, she was not allotted any seat under the All India Quota OBC category for the vacant post of 12 seats and though 8 seats out of 12 seats remain unfilled, the petitioner was not allotted any seat. According to the respondent, the seats under OBC quota was filled up with eligible candidates and the remaining seats would be filled in the next NEET Examination with eligible candidates.

7. It is seen that the period of admission for NEET Examination 2023 is over and now the upcoming Academic Year 2024-2025 has also come. Hence, the relief sought in the writ petition cannot be granted now. In view of the above, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

12.09.2024

Index: yes/no
Internet:yes/no
msr



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M. DHANDAPANI, J.

msr

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