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W.P.No.36275 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.11.2024

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THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.No.36275 of 2024
and W.M.P.No.36153 of 2024

P.Dharageswaran

... Petitioner

Vs.

- 1.Union of India,
Rep by the Secretary to Government,
Ministry of Health and Family Welfare,
New Delhi.
- 2.The Medical Counselling Committee of
Directorate General of Health Services,
Rep by ADG (ME) & Member Secretary,
MCC, Ministry of Health and Family Welfare,
Government of India, New Delhi.
- 3.JIPMER,
Rep by its Dean (Academic),
JIPMER Academic Campus,
FCI Link Road,
Kovilpathu, Karaikal 609 602.
- 4.The Director,
Department of Health and Family Welfare Services
Cum Nodal Officer (Medical Education),
Puducherry.

5.Abhinaya.S

... Respondents



Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the fourth respondent to declare admission of the fifth respondent to the first year MBBS Course in JIPMER, Karaikal for the year 2024-25 as cancelled and consequently, to direct the third respondent to notify the resultant vacancy caused in the seat under Internal Puducherry Domicile SC Quota for the year 2024-25 to the second respondent, so as to conduct special counselling pertaining to the said vacancy, allowing the petitioner to participate and to grant him admission to the first year MBBS Course in JIPMER, Karaikal on the basis of his eligibility under Puducherry Internal Domicile SC quota well prior to 30.11.2024.

For Petitioner : Mr.K.Venkataramani for
Mr.M.Ravi

For Respondents : Mr.K.Srinivasa Moorthy for R1 & R2
Mr.M.T.Arunan for R3 & R4

ORDER

This Writ Petition has been filed seeking a direction to the fourth respondent to declare admission of the fifth respondent to the first year MBBS Course in JIPMER, Karaikal for the year 2024-25 as cancelled and consequently, to direct the third respondent to notify the resultant vacancy caused in the seat under Internal Puducherry Domicile SC Quota for the year 2024-25 to the second respondent, so as to conduct special counselling



pertaining to the said vacancy, allowing the petitioner to participate and to grant him admission to the first year MBBS Course in JIPMER, Karaikal on the basis of his eligibility under Puducherry Internal Domicile SC quota well prior to 30.11.2024.

2. Heard the learned counsel on both sides and perused the materials available on record.

3. The learned counsel for the petitioner submitted that the petitioner who belongs to Schedule Caste community had secured 504 marks in NEET and his All India Rank is 198549. In pursuance of his ambition of securing a seat in the 3rd respondent Institution and becoming a Doctor, the petitioner applied for the counselling conducted by the 2nd respondent for filling up seats for NEET UG and he could not secure the seat till the third round of counselling. As per the directions of this Court, the Nodal Officer, Puducherry, has issued a format of affidavit to be sworn by guardian/parent to prevent the claiming of dual nativity which was prevalent in the Union Territory of Puducherry. The 5th respondent with all India Rank No.176249 was allotted a seat under Internal – Puducherry UT domicile under SC quota



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in JIPMER, Karaikal. The 5th respondent had applied for Government quota MBBS seat in the State of Tamil Nadu by claiming her nativity as State of Tamil Nadu and suppressing the same, she had also applied for the Medical seat at JIPMER by claiming nativity of Puducherry. For which, the petitioner submitted a detailed representation dated 19.11.2024 to the 4th respondent. The 4th respondent, by its proceedings F.No.12002/06-11/BOME/DHFWS/2023-24, dated 19.11.2024 declared that the admission of the 5th respondent shall be withhold/ dismissed from claiming any seat under Internal – Puducherry UT Domicile quota in JIPMER- Puducherry and Karaikal and further, directed her to appear before the undersigned for further enquiry. The petitioner who has detected the fraud committed by the 5th respondent, is the only eligible candidate pursuing for the seat under SC quota in the 3rd respondent Institution. The last date for admission of MBBS seats for the year 2024-25 is 30.11.2024. Hence, the petitioner has no other option except to approach this Court by way of this petition.

4. The learned counsel for the respondents 1 and 2 submitted a copy of the letter received from the Directorate General of Health Services, Nirman Bhawan, New Delhi dated 28.11.2024 addressed to him and submits that the



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Deputy Director General of Health Services, has received a letter dated 27.11.2024 from the State Counselling Authority informing that the admission of the 5th respondent has been cancelled on the ground of dual nativity claim. The learned counsel also submits that till 23.11.2024, there was no information regarding cancellation of seat by JIPMER, Karaikal. The relevant portions of this letter dated 28.11.2024 are extracted hereunder:

“4.It is hereby informed that the undersigned office was in receipt of a letter dated 27.11.2024 from the State Counselling Authority that admission of Abhinaya (respondent No.5 herein) has been cancelled pertaining to dual nativity claim. Furthermore, as the results of Special Stray Counselling of AIQ NEET UG Counselling were declared on 23.11.2024 and till that time, there was no information regarding cancellation of seat by JIPMER, Karaikal. (Copy attached)

5. In pursuance of the same, it is suggested that the counselling for this particular seat may be done by JIPMER itself before 5th December 2024 (last date of admission) and the seat may be awarded to the candidate next in line of merit.”

5. Considering the submissions made by the learned counsel for the



petitioner and also taking note of the letter dated 28.11.2024 of the Directorate General of Health Services, this Court directs the petitioner to approach the concerned authority for redressal of his grievance and the concerned authority is directed to consider the case of the petitioner on its own merits and in accordance with law as expeditiously as possible.

6. With the above observations and directions, this Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

29.11.2024

vkx

Index : Yes / No

Speaking order / Non-speaking order

Note: Issue order copy on 29.11.2024

To

1.Union of India,

Rep by the Secretary to Government,
Ministry of Health and Family Welfare,
New Delhi.

2.The Medical Counselling Committee of

Directorate General of Health Services,
Rep by ADG (ME) & Member Secretary,
MCC, Ministry of Health and Family Welfare,
Government of India, New Delhi.

3.JIPMER,



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Rep by its Dean (Academic),
JIPMER Academic Campus,
FCI Link Road,
Kovilpathu, Karaikal 609 602.

4.The Director,
Department of Health and Family Welfare Services
Cum Nodal Officer (Medical Education),
Puducherry.

VIVEK KUMAR SINGH, J.



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