



W.P(MD)No.13687 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.06.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.13687 of 2024

Minor S.Jeyanthinathan

... Petitioner

Vs.

1.The National Testing Agency,
Medical Council of India,
Rep. by its Secretary,
Pocket-14, Sector-8,
Dwarka Phase-1,
New Delhi-110 077.

2.The Secretary / Additional DME Selection Committee,
Directorate of Medical Education,
No.162, Periyar E.V.R.High Road,
Kilpauk,
Chennai-600 010.

3.The State of Tamil Nadu,
Rep. by its Secretary,
Ministry of Health and Family Welfare,
Fort St.George,
Chennai.

4.The Tamil Nadu Dr.M.G.R.Medical University,
Rep. by its Registrar,
No.69, Anna Salai,
Chennai-600 032.

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the 1st Respondent to call the petitioner for counselling under the category of O.B.C by consider the petitioner's representation dated 20.06.2024.

For Petitioner : Mr.K.Arunraj

For Respondents : Mr.P.Karthick for R1

: Mr.M.Sarangan
Additional Government Pleader for R3

ORDER

Heard both sides.

2. The petitioner belongs to OBC category. He has participated in NEET held this year. While filling up the application form, he had erroneously mentioned his communal status as general category. He now wants correction to be made. My heart goes out in favour of the petitioner. I would be happy to allow the petitioner's writ petition. But then, the learned standing counsel for National Testing Agency brings to my notice the decision of the Hon'ble Division Bench rendered in W.A.(MD)No.739 of 2019, dated 22.07.2019. The Hon'ble Division Bench had held as follows:-

“8.The writ petitioner sought for changing his communal category in the application submitted for the NEET examination. Admittedly, such request is made by the petitioner after the declaration of the results. It is



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seen that the authorities have provided two opportunities for the candidates, to make necessary corrections in the on-line application, if any, one before the examination and another, after the examination, however, before declaration of the results. It is an admitted fact that the writ petitioner has not chosen to utilise both the opportunities and however, has made the request for challenging the communal category, after the declaration of the results. We find that the petitioner is not entitled to make such request, as such request, if considered and permitted, would certainly affect the All India merit ranking list, as rightly contended by the learned Assistant Solicitor General. Therefore, we find that the writ Court is not justified in issuing a direction as granted in this case. Even otherwise, the fact remains that the petitioner, in pursuant to the order passed by the writ Court, seems to have not become successful before the counselling, even under the SC category. 9. Accordingly, the writ Appeal is allowed and the impugned order of the Writ Court is set aside. No costs. Consequently, connected Miscellaneous Petition is closed.”

The order passed by the learned single Judge was set aside and the appeal filed by the National Testing Agency was allowed. If I allow the writ petition, my order will meet the same fate. In any event, I bound by the ratio laid down above.

3. The learned standing counsel for National Testing Agency states that two notifications were issued by the NTA and the petitioner failed to avail opportunity to make correction of his communal status then. The results were declared on 04.06.2024 itself. The aforesaid writ appeal is clearly applicable to the facts of this case. It is open to the second respondent to consider the



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petitioner under the relevant communal category notwithstanding the NEET ranking.

4. The Writ Petition is dismissed. No costs.

28.06.2024

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

NOTE:Issue Order Copy on 09.07.2024

To

The Secretary,
Ministry of Health and Family Welfare,
Fort St.George,
Chennai.



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G.R.SWAMINATHAN, J.

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