



W.P.No.12627 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.04.2025

CORAM:

THE HONOURABLE MRS. JUSTICE N.MALA

W.P.No.12627 of 2025

Faheema M.B.

... Petitioner

Vs

1. The Principal Secretary to Government
Health & Family Welfare Department
Fort St.George, Chennai 600 009.
2. The Director
Directorate of Medical Education
162, EVR Periyar Salai, Kilpauk,
Chennai 600 010.
3. The Secretary
Selection Committee
Directorate of Medical Education
162, EVR Periyar Salai,
Kilpauk, Chennai 600 010.
4. The Dean
Indira Medical College & Hospital
5R2X+C8M, Pandur, Tiruvallur – 602 001.
5. National Medical Commission
Represented by its Secretary,



W.P.No.12627 of 2025

WEB COPY

Pocket – 14, Sector – 8,
Dwarka Phase – 1
New Delhi – 110 077.

.... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, praying to issue a writ of certiorarified mandamus to call for the records relating to the impugned order dated 26.02.2025 Ref.Letter No.2946064/MCA-1/2022-5 passed by the 1st respondent and quash the same and consequently direct the respondent authorities to grant admission in the MBBS course in the ensuing academic year to the petitioner having Roll number 4110002883 and application number is 819701 (Tamil Nadu Government quota) under the Tamil Nadu Government quota in any of the Government or private medical colleges in the State of Tamil Nadu on the fee structure fixed by the statutory fee fixation committee, on the basis of eligibility of the petitioner in NEET UG 2021 or in the alternative direct the respondent authorities to pay suitable compensation to the petitioner.

For Petitioner : Mr.S.Thanka Sivan

For Respondent : Mr.M.E.Sundaram
Government Advocate for R1,
R2 & R4

Mrs.M.Sneha
Standing Counsel for R3



W.P.No.12627 of 2025

WEB COPY

ORDER

The writ petition is filed challenging the impugned order dated 26.02.2025 of the 1st respondent, rejecting the petitioner's representation for grant of MBBS Seat in the ensuing academic year under government quota or in the alternative for payment of suitable compensation for illegal cancellation of her admission.

2. The petitioner appeared in NEET UG 2021 conducted on 12.09.2021, scored 488/720 and applied for counselling for admission in MBBS course for the academic year 2022-23, by paying a sum of Rs.25,000/- as registration fee. The petitioner was selected for MBBS course under Government quota and was allotted a seat in the 4th respondent medical college, at Thiruvallur. The petitioner in pursuance of the said allotment approached the 4th respondent college for paying the stipulated fees of Rs.4,00,000/-, but the 4th respondent refused to receive the same stating that the fees payable was Rs.8,10,000/-. The 4th respondent further stated that if the petitioner failed pay the said fees, her

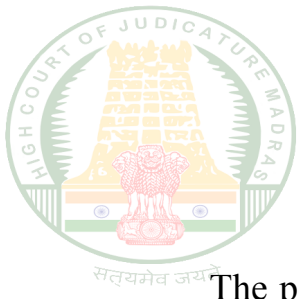


W.P.No.12627 of 2025

WEB COPY

admission was liable to be cancelled and further she would have to pay a penalty of Rupees Ten Lakhs.

3. The petitioner therefore submitted a representation to the third respondent, via email at 3:40 p.m. on 31.03.2022 itself. However, the 3rd respondent neither issued appropriate directions to the 4th respondent nor sent any reply to the representation. Meanwhile, on failure to pay the additional fees of Rs.5,00,000/-, the 4th respondent rejected the petitioner's admission on 31.03.2022. The petitioner sent further representations through e-mail and courier to the third respondent for allotment of seat on the basis of her merit. Later the petitioner was given to understand that pursuant to the illegal cancellation of her admission, the said seat was allotted to a candidate with 484 marks and that 28 government seats remained vacant. Therefore, the petitioner filed W.P.No.18459 of 2024 seeking appropriate direction to the respondent authorities and also for suitable compensation. The third respondent filed counter affidavit on 09.11.2024, and thereafter final orders were passed on 22.11.2024, directing the petitioner to submit fresh representation.



W.P.No.12627 of 2025

WEB COPY

The petitioner in compliance of the said order of this Court, submitted a fresh representation on 25.11.2024, to the respondent authorities. The 1st respondent vide the impugned order dated 26.02.2025, rejected the petitioner's representation. Hence the petitioner filed the present writ petition for the aforesaid relief.

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

5. The petitioner in her representation apart from seeking a MBBS seat, also sought for suitable compensation for the loss and mental agony suffered by her due to the illegal action of the 4th respondent in denying her admission under government quota. The respondent has not considered the petitioner's alternative prayer for compensation in the impugned order. I am therefore inclined to set aside the impugned order. The impugned order dated 26.02.2025, passed by the first respondent is hence set aside with a direction to the petitioner to submit a fresh representation to the first respondent, within a period of two weeks, from the date of receipt of a copy of this order. On receipt of such



W.P.No.12627 of 2025

WEB COPY

representation from the petitioner, the first respondent shall pass orders on merits and in accordance with law within a period of four weeks thereafter. The first respondent is directed to consider all the issues raised by the petitioner in the said representation.

6. With the above direction, the writ petition is disposed of. No costs.

09.04.2025

dpq
Index: Yes/No
Speaking order / Non speaking order



W.P.No.12627 of 2025

WEB COPY

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W.P.No.12627 of 2025

N. MALA, J.

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W.P.No.12627 of 2025

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