



W.A.No.2177 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.08.2025

CORAM :

**THE HONOURABLE MR. JUSTICE R.SURESH KUMAR
AND
THE HONOURABLE MR. JUSTICE P.DHANABAL**

**W.A.No.2177 of 2025 and
C.M.P.No.16642 of 2025**

Mugithasri

... Appellant

Vs.

1.The Director General of Health Services,
Medical Counseling Committee (MCC)
Ministry of Health & Family Welfare,
Government of India,
New Delhi.

2.The Selection Committee,
The Director of Medical Education,
No.162, Periyar EVR High Road,
Kilpauk, Chennai 600 010.

... Respondents

Prayer: Writ Appeal filed under Clause 15 of Letters Patent to allow this Writ Appeal by setting aside the order dated 12.09.2024 passed in W.P.No.31934 of 2023.

For Appellant

: Mr.S.Arokia Mani Raj

For R2

: Ms.M.Sneha,
Standing Counsel

J U D G M E N T



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(Order of the Court is made by *R.SURESH KUMAR, J.*)

This appeal has been directed against the order passed by the Writ Court

on 12.09.2024, in W.P.No.31934 of 2023.

2.The appellant was the writ petitioner who secured 121 marks out of 721 marks in the NEET examination 2023. In the regular counselling, she could not reach the zone of consideration. Ultimately, in All India Quota OBC category, according to the petitioner/appellant, there had been 12 seats vacant, out of which, only 4 seats were filled up and remaining 8 seats were kept unfilled despite the fact that the petitioner/appellant was one of the eligible candidates to be considered under the All India Quota OBC category during the stray vacancy round of counselling. Therefore, seeking admission to get first year MBBS admission of the year 2023-2024, she had filed the abovesaid writ petition seeking for a Writ of Mandamus.

3.The said writ petition came to considered and decided finally by an order of the Writ Court, dated 12.09.2024, which is impugned herein, under which the learned Writ Court had dismissed the writ petition for the reason that the period of admission for NEET examination 2023 was over already and the upcoming 2024-2025 which itself had come. Therefore, the question of the relief sought for in the writ petition cannot be granted and accordingly, dismissed the writ petition.



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Aggrieved over the same, the present Intra Court Appeal has been filed.

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4. Heard the learned counsel for the appellant and the learned counsel for the second respondent.

5. The learned counsel for the second respondent would submit that insofar as the State counselling for the year 2023-2024 is concerned, it had been contended that based on the marks secured by the petitioner/appellant, whatever the seats which were available in a particular college that alone could have been picked up, if at all she was willing to make it. But if she had chosen to get admission in a particular college in top colleges that could not have been possible. Anyhow, she missed the bus in the year 2023-2024 and therefore, the question of considering her candidature for the next academic year 2024-2025 does not arise. That is the reason why the learned Writ Court had dismissed the Writ Petition. However, Mr.S.Arokia Mani Raj, learned counsel for the appellant submit that even the candidate who had secured lesser marks like, 118 and 116 out of 720 marks had been considered in the State counselling for getting admission for the year 2023-24. When that being so, under All India Quota OBC category, the non consideration of the candidature of the petitioner/appellant was totally unlawful and therefore, she is entitled to get admission atleast for the



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academic year 2025-2026, he contended.

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6.We are afraid of the said proposition that has been projected by the learned counsel appearing for the appellant. The reason being that, insofar as the admissions in medical courses are concerned, every year, NEET examination is conducted by specific agencies and based on the marks secured in the NEET examination, admissions are undertaken throughout the country. Even in respect of the All India Quota OBC Category, whatever seats that are made available would be filled up based on the marks secured by the candidates in the NEET examination.

7.In this context, if the petitioner/appellant could not get a seat in the year 2023-2024 for the admissions for the year 2023, pursuant to the NEET examination 2023, that issue could have been resolved either way in the year 2023 itself, i.e., well before the cut off date fixed in this regard by the Hon'ble Supreme Court to complete the admission for medical courses.

8.Even if there are vacancies after completing the Mop up counselling, that would not give any reason for the admission authorities to go ahead with the



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admissions further beyond the cut off date fixed in this regard by the Court of law from time to time.

9. When these kind of time schedules are strictly followed or adhered to, the same cannot be changed or modified and therefore, insofar as the year 2023-2024 is concerned, which was over even well prior to the consideration of the writ petition by the Writ Court, that is the reason why the learned Writ Court had dismissed the writ petition.

10. As of now, in this Intra Court Appeal, we have already crossed two academic years and we are in the academic year 2025-2026, for which also, pursuant to the NEET examination 2025, admissions are undertaken, where, the major part of the admissions are over according to the learned Standing Counsel for the second respondent. When that being the position, the candidature of the petitioner/appellant cannot be considered for admission as has been sought for by the learned counsel for the appellant for the current academic year 2025-2026, which is unknown to the admission pattern being undertaken for medical courses in this country. When that being the position, absolutely, there has been no merit in the present appeal. As the order passed by the Writ Court does not warrant any interference from the hands of this Division Bench, we are not inclined to



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entertain this writ appeal.

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11. Accordingly, the writ appeal stands dismissed, however, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

(R.S.K., J.) (P.D.B., J.)
25.08.2025

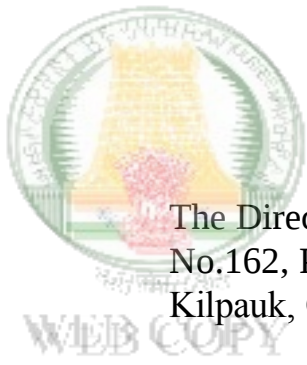
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Index : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes/No

To

1. The Director General of Health Services,
Medical Counseling Committee (MCC)
Ministry of Health & Family Welfare,
Government of India,
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2. The Selection Committee,

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AND
P.DHANABAL, J.

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