



W.P.No.47931 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.12.2025

Coram

The Honourable **Mr.Justice D.Bharatha Chakravarthy**

W.P.No.47931 of 2025

and

W.M.P.No.53521 of 2025

R.Anbin Inian (Doctor)

..Petitioner

VS.

1. The Principal Secretary to Government'
Health & Family Welfare Department
Fort St.George, Chennai- 9.

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 National Medical Commission,
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Rep. By its Secretary,

Pocket 14, Section 8

Dwarka Phase I, New Delhi – 110 077.

Respondents

Prayer

Writ Petition filed under Article 226 of the Constitution of India seeking for issuance of a writ of mandamus, directing the respondents herein to forthwith grant the eligible incentive marks of 30 percentage towards the petitioner as per the percentage of marks as mentioned in the G.O.Ms.No.86 dated 06.03.2019, issued by the first respondent Department and consequently, to permit the petitioner to participate in the second counseling NEET (PG) 2025 as per the amended marks after the inclusion of the incentive marks.

For Petitioner : Mr. S.Nirmal Aditya

For Respondents 1 & 2 : Mr. E.Sundaram
Government Advocate



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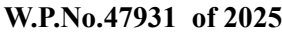
For Respondent-3 : M/s.M.Sneha
Standing Counsel
For Respondent- 4 : M/s.V.Sudha

Order

This Writ Petition is filed for issuance of a mandamus, directing the respondents herein to grant the eligible incentive marks of 30 percentage to the petitioner as per the percentage of marks as mentioned in the G.O.Ms.No.86 dated 06.03.2019 and consequently, to permit the petitioner to participate in the second counseling NEET (PG) 2025 as per the corrected marks after the inclusion of the incentive marks.

2. The case of the petitioner is that, he has the qualification of MBBS and was selected and appointed as Assistant Surgeon w.e.f. 28.01.2010. He was initially posted in the Primary Health Centre, Thadalaiputhur, Thiruchirappalli (Rural Area). According to the petitioner, he has been continuously doing service in the areas, which falls under the category of difficult area, as mentioned in G.O.Ms.No.86 dated 06.03.2019 and

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circumstances, when the third respondent called for applications for the PG

same. As per the procedure mentioned in the prospectus, the petitioner duly

marks, for having served in the rural area, (viz., Difficult Area) the same is

the same to the notice of the respondents by availing the Grievance

respondents, themselves, would award him, the incentive marks at the time

marks.

during the first round of selection, the petitioner has not been awarded with

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area, and now the grievance of the petitioner is that, the second round of selection is likely to commence any time sooner, and therefore, he has approached this Court seeking for appropriate direction on the respondents to correct the aforesaid error and to grant incentive marks to the petitioner and to allot him seat in an appropriate place on merits.

4. Per contra, the learned Standing Counsel for respondent No.3 would submit that the petitioner has applied as a Service Candidate and wanted incentive marks as per the order passed in G.O.Ms.No.86 dated 06.03.2019. She pointed out that the prospectus clearly enjoins that all service candidates shall provide service particulars, via. on-line application form, viz., service proforma, mentioned at Page No.1, i) Name of the Medical Officer ii) Designation, iii) Details regarding the place, where, they served at, etc., and in Page No.2, they were directed to select the i) Category, ii) Type of places; iii) District, and iv) Place and lastly, v) the details

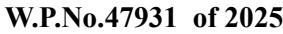


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regarding their period of service, as per which, marks will be generated.

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4.1 The learned Government Advocate pointed out as to how, the mistake has been crept in, in furnishing those details by the petitioner, himself; that the petitioner instead of selecting the category of Type of Place, as 'Difficult Area', he clicked the wrong category type of place, and hence, the incentive marks were not generated; that the petitioner, atleast should have taken steps for bringing the same to the notice of the respondents through the grievance portal, since, such kind of errors can be set right only through the grievance portal within the period from 23.10.2025 12 noon to 27.10.2027 upto 12.00 noon. The Committee would have redressed his grievance and accordingly, the said error would have been rectified and incentive marks would have been awarded to him and he would have been placed in an appropriate place in the merit list. Now the merit list has already been drawn, first round of selection is also over and the second



correction, as sought for by the petitioner is done, the same would be detrimental to the other candidates and further, the same cannot be permitted, as there is no error or mistake committed by the respondents.

5. The learned counsel appearing for the fourth respondent, National Medical Commission would submit that drawal of the selection list is with the third respondent-Selection Committee and it is they, who have to decide the issue.

6. I have heard the rival submissions made on either side and perused the materials placed on record.

7. Firstly, the very purpose of this cumbersome procedure is to grant admission to the petitioner as per merit. The petitioner has scored 304 marks



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in NEET. The grievance of the petitioner is that, he has served in the difficult

area for considerable length of time, and hence, as per the G.O.(Ms.) No.86

dated 06.03.2019, he is entitled to 30% incentive marks if the said marks are

awarded, the petitioner's score would come around 394 and therefore, he

would have been allotted a seat in the selection conducted for PG Neet 2025.

8. Unfortunately, the petitioner has committed a mistake in filling-up his service proforma via on-line application, as, the petitioner inadvertently, chosen the wrong type of place, while clicking the option available in the Portal. Secondly, the petitioner has to be blamed himself for having not availed the Grievance Redressal Mechanism. Thus, when the mistake is on the part of the petitioner, the respondents-Authorities cannot be blamed and further, as rightly pointed out by the learned Standing Counsel for the respondent No.3 by means of such correction, the other candidates should not be placed in jeopardy. The first round of selection is over, therefore, it is



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not possible for the respondents to set right the error, which was committed

by the petitioner, and to place him in an appropriate place in the merit list

and disturb the selection. The only factor, which is in favour of the

petitioner is that the second round of selection is yet to commence, where,

there is every possibility for the respondents-Authorities to correct the

mistake in the manner known to law and his seat to be earmarked in an

appropriate position.

9. In view, thereof, this Court is inclined to dispose of the Writ
Petition on the following terms;

i) The third respondent-Selection Committee is directed to consider
the service proforma of the petitioner and the fact that he has worked in
rural places as mentioned in the G.O.Ms.No.86 dated 06.03.2019, and
accordingly, as per his eligibility to award the incentive marks;

ii) Such incentive marks calculated shall be added to the score of
the petitioner as per the procedure and the petitioner shall be placed in the



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appropriate place in the merit list;

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iii) However, the petitioner will not be entitled to make any claim with reference to the first round of selection and only with reference to second round of selection, which is yet to commence, the petitioner will be considered in the merit list by including his incentive marks;

iv) The respondents-Authorities need not wait for certified copy of this order and shall act upon the webcopy of this order.

10. The Writ Petition is disposed of on the aforesaid terms . No costs. Consequently, connected Miscellaneous Petition is closed.

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Index : yes/no

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Internet : yest/no

Neutral Citation : yes/no

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