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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03-11-2026

CORAM

THE HON'BLE MR.JUSTICE K. SURENDER

Case QR

WP No. 28111 of 2026

CNR:{HCMA011613622026}

Dr.Neeraj Kumar

..Petitioner(s)

Vs

1. The Director General of Health Service
   Ministry of Health and Family Welfare,
   Nirman Bhawan, Maulaana Azhad Road,
   New Delhi-110 011
2. the Medical Counselling committee
   Room No.354, DGHS,
   Ministry of Health and Family Welfare,
   Nirman Bhawan, Maulana Azad Road,
   New Delhi.

3. The National Medical Commission
   Pocket-14, Sector -8
   Dwarka Phase-I
   New Delhi-110 077

4. The Director of Medical Education and
   Research
   Ministry of Health and Family Welfare
   Department,
   Government of Tamil Nadu'
   162, Periyar E.V.R High Road,
   Kilpauk, Chennai-600 010

5. The State of Tamil Nadu
   Rep. by its
   The Secretary to Government
   Tamil Nadu Health and Family Welfare
   Department,
   Fort St. George,
   Chennai-600 009

6. The Additional Director of Medical Education

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and Research /
Secretary, Selection Committee,
Directorate of Medical Education and Research,
Kilpauk, Chennai-600 010

..Respondent(s)

Writ Petition filed under Article 226 of Constitution of India for issuance of Writ of Certiorarified Mandamus to call for and examining the records relating to and connected with the proceeding of the 6th respondent herein in Ref. No.2351/ SCSII (1) / 2026 resulting in his order dated 25.06.2026 and quash the same and consequentially directing the respondents herein to conduct Special Stray Vacancy for Post-graduation admission for the academic year 2025-2026 to fill up the 1140 vacant seats and also permit the petitioner to participate in the same or in the alternative direction the respondents to create a SUPERNUMERARY VACANCY in the Post Graduate subject of M.D. (General Medicine) or M.D. (Paediatrics) for the petitioner in any of the Government colleges in Tamil Nadu.

For Petitioner(s): Mr.P.S.Raman Senior Counsel
for Mr.R.Ashraf Khan

For Respondent(s): Mr.ARL.Sundaresan, Additional Solicitor General
assisted by Mrs.V.Sudah CGC for R1 and R2
Mr.Rabu Manohar CGC for R3
Mr.G.Ramdas SGP for R4 to R6

ORDER

This writ petition has been filed challenging the proceedings of the sixth respondent in Ref.No.2351/SCSII(1)/2026, dated 25.06.2026, and for consequential direction to the respondents to conduct Special Stray Vacancy Counselling for Post Graduate admission for the academic year 2025-2026, to fill up the 1140 vacant seats and to permit the petitioner to participate in the

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same, or alternatively, to direct the respondents to create a supernumerary vacancy in the Post Graduate course in M.D. (General Medicine) or M.D. (Paediatrics) for the petitioner in any of the Government Medical Colleges in Tamil Nadu.

2. The petitioner completed his MBBS Degree Course at Government Stanley Medical College, Chennai, in the year 2023. He appeared for the NEET-PG Examination in the year 2025 and secured 541 marks out of 800. The petitioner belongs to the Other Backward Community (OBC) and secured All India Rank 13,328 and category rank 4,347. The petitioner participated in the first round of All India Counselling and was allotted M.S. Orthopaedics at Government Chengalpattu Medical College, which he joined on 28.11.2025. Subsequently, he participated in the second round of Tamil Nadu State Counselling as a Non-Service candidate and was allotted M.S. Orthopaedics at Government Medical College, Omandurar. He resigned from his All India Quota seat and joined the said institution. However, since M.S. Orthopaedics was not his preferred course, he again participated in the third round of All India Counselling and was allotted DNB Paediatrics at Rajiv Gandhi Government Women and Children Hospital, Puducherry, which he joined on 13.02.2026. According to the petitioner, the Information Bulletin of the second respondent provides that candidates who have been allotted a seat in the third round and joined the same are not entitled to participate in the stray vacancy

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round. However, the petitioner noticed that certain candidates who had secured lesser marks than him were allotted M.D. Paediatrics seats in the All India Quota stray vacancy round, the provisional results of which were published on 21.02.2026. Aggrieved by the same, the petitioner filed W.P.No.7891 of 2026 before this Court. The said writ petition was disposed of by order dated 12.03.2026, observing that if any Special Stray Vacancy Counselling was conducted after 28.02.2026, the respondents should provide an opportunity to the petitioner to participate in such counselling, while also granting liberty to him to approach the Hon'ble Apex Court for appropriate relief. Thereafter, the petitioner approached the Hon'ble Supreme Court by filing W.P.(Civil) No.528 of 2026, which came to be dismissed on 30.04.2026 as not entertainable. In the meantime, the petitioner had submitted representations to the respondents, including a representation dated 02.04.2026, requesting them to conduct Special Stray Vacancy Counselling. Since no action was taken on the said representations, the petitioner filed W.P.No.20228 of 2026 before this Court, seeking a direction to conduct Special Stray Vacancy Counselling for the academic year 2025-2026 to fill up the 1140 vacant seats and permit him to participate in the same, or alternatively, to create a supernumerary vacancy in M.D. (General Medicine) or M.D. (Paediatrics). The said writ petition was disposed of by this Court on 10.06.2026. Thereafter, the sixth respondent, namely, the Additional Director of Medical Education and Research/Secretary, Selection Committee, passed the impugned proceedings dated 25.06.2026 in

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Ref.No.2351/SCSII(1)/2026. Challenging the same, the present writ petition has been filed.

3. Mr. Raman, learned Senior Counsel appearing for the petitioner, would submit that the earlier writ petition was disposed of by this Court granting liberty to the petitioner to approach the Hon'ble Apex Court for appropriate relief. He would further submit that the petitioner had approached this Court in time and, therefore, the present writ petition is maintainable. The learned Senior Counsel would also submit that the grievance of the petitioner and the alternative relief sought for by him require consideration, notwithstanding the judgment of the Hon'ble Division Bench of this Court.

4. Per contra, the learned counsel appearing for the respondents would submit that the deadlines prescribed for the counselling process have already expired and this Court, while exercising jurisdiction under Article 226 of the Constitution of India, cannot interfere with the said deadlines or grant any further relief to the petitioner. In support of the said contention, reliance is placed upon the judgments of the Hon'ble Supreme Court in ***Ashish Ranjan and ors. vs. Union of India & ors.***

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5. This Court has considered the rival submissions and perused the materials available on record.

6. At this juncture, it would be appropriate to refer to the judgment of the Hon'ble Division Bench of this Court in W.A.No.200 of 2026 reported in 2026 SCC OnLine Mad 1557, and the relevant portion is extracted hereunder:-

> *18. We have gone through the decisions of the Apex Court in the cases of (I) Roshan Deen V. preeti Lal; (ii) B.C. Chaturvedi V. Union of India, (iii) Union of India V. R.Reddappa; and (I) Air India Statutory Corporation V. United Labour Union(all Cited Supra)*
>
> *It is beyond any pale of dispute that the founding fathers of the constitution placed no limitation or fetters on the power of the High Court under Article 226 of the Constitution of India except selfimposed limitations, and the arms of the Court is long enough to reach injustice wherever it is found. Further, the Court, as sentinal on the qui vive, is to mete out justice in given facts. The public law remedy given by Article 226 of the Constitution of India is to issue not only prerogative writs provided therein, but also any order or direction to enforce any of the fundamental rights and "for any other purpose".*
>
> *However, the schedule of counselling and the last date of admission is prescribed by way of regulation, which have the force of law. In any case, if any illegality in the process of counselling and admission is found, it could be corrected by the writ court, provided the last date of admission is not over. In those cases where the last date*

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of admission is over, it is fait accompli and in view of the order passed by the Apex Court in various cases, referred supra, the party has to be left to the work out his remedy by approaching the Apex Court.

19. In the light of the law enunciated by the Apex court in the decisions, referred supra, if the writ petitioners have any grievance, they ought to have approached the Apex Court seeking appropriate direction and this Court.

7. In view of the principles laid down therein, this Court is bound by the said judgment. More particularly, paragraph 19 of the said judgment specifically indicates that the petitioner therein is at liberty to approach the Hon'ble Apex Court for appropriate relief.

8. In view of the binding nature of the judgment of the Hon'ble Division Bench, this Court is not inclined to pass any orders on the merits of the petitioner's claim. In such circumstances, it is for the petitioner to approach the Hon'ble Apex Court for appropriate relief, in accordance with law.

9. In the light of the above, this writ petition deserves to be dismissed. Accordingly, this writ petition is dismissed. It is needless to state that the petitioner is at liberty to pursue all other remedies available to him in the manner known to law.

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10. However, if the petitioner is otherwise eligible to participate in any fresh counselling process, he shall be permitted to participate in such counselling, subject to his eligibility and in accordance with the applicable rules and regulations. No costs.

K.SURENDER J.
03-11-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

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