

*W.P. (MD) No. 6132 of 2020*  
and  
*W.M.P. (MD) No. 5322 of 2020*

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.05.2020

CORAM:

THE HONOURABLE MR.JUSTICE **P.D. AUDIKESAVALU**

W.P. (MD) No. 6132 of 2020  
and  
W.M.P. (MD) No. 5322 of 2020

B.Abimathi

: Petitioner

vs.

1. The Director General of Health Services,  
Ministry of Health and Family Welfare,  
Nirman Bhavan, New Delhi – 110 108.
2. The Selection Committee,  
Directorate of Medical Education,  
Kilpauk, Chennai – 600 010.
3. The Director,  
National Board of Examinations,  
Medical Enclave, Ansari Nagar,  
Ring Road, New Delhi – 110 029.
4. The Dean,  
Sri Ramachandra Medical College,  
Porur, Chennai – 600 116.
5. Board of Governors in Supersession of the  
Medical Council of India,  
Pocket 14, Sector – 8,

*W.P. (MD) No. 6132 of 2020*  
and  
*W.M.P. (MD) No. 5322 of 2020*

Dwarka, Phase -1,  
New Delhi – 110 077.  
(R5 suo-motu impleaded as per  
order of this Court dated 05.05.2020  
in W.P. (MD) No. 6132 of 2020)

: Respondents

Prayer: The Writ Petition is filed to issue a Writ of Mandamus, directing the Second Respondent to conduct and conclude the counselling for PG Management seats in Private/Non-Governmental medical institutions along with the overall State PG NEET Counselling for the academic session 2020-21 on or before 08.05.2020 by considering the Petitioner's Representation dated 30.04.2020.

For Petitioner : Mr. K. Jeya Mohan  
For Respondents 1 & 3 : Mr. V.Kathirvelu,  
Assistant Solicitor General of India  
For 2<sup>nd</sup> Respondent : Mr. Abdul Saleem  
For 5<sup>th</sup> Respondent : Mr. V.P. Raman

ORDER

Heard Mr. K. Jeya Mohan, Learned Counsel for the Petitioner, Mr. V. Kathirvelu, Learned Assistant Solicitor General of India appearing for the First and Third Respondents, Mr. Abdul Saleem, Learned Standing Counsel appearing for the Second Respondent and Mr. V.P. Raman, learned Standing Counsel, who takes notice for the Fifth Respondent.

*W.P. (MD) No. 6132 of 2020*  
and  
*W.M.P. (MD) No. 5322 of 2020*

2. The Petitioner, who has completed her graduation in M.B.B.S. in Medicine and Surgery in the year 2018 had participated in the Post Graduate NEET Examination, 2020 conducted by the Third Respondent and has a score of 690. During the first round of counselling in All India Quota, she secured Master of Surgery in Obstetrics and Gynecology in the College of the Fourth Respondent and had paid admission fees. However, she intends to further participate in counselling in the State Government Quota seats including those in Non-Governmental Institutions. One of the conditions stipulated for already selected candidates in the All India Quota to participate in the State Government Quota is that they should have to resign from the seat secured within the specified date. In furtherance thereto, the First Respondent by notice dated 30.04.2020 had informed that it had been decided by the Competent Authority to allow the candidates who have joined their allotted college of Round -1 (both in Online/Offline mode) to resign from their joined seat by 5.00 p.m. of 08.05.2020 (Wednesday). It is the grievance of the Petitioner that the Second Respondent had not included the Management Seats in the Private/Non-Governmental Medical Institutions in the notification issued for Counselling under the State Quota. In that backdrop, this Writ Petition

*W.P. (MD) No. 6132 of 2020*  
and  
*W.M.P. (MD) No. 5322 of 2020*

has been filed for directing the Second Respondent to conduct and conclude the Counselling of Post Graduation Medical Seats in Private/Non-Governmental Medical Institutions along with the State Government Quota Seats for the academic Session 2020-2021 on or before 08.05.2020 by considering her representation dated 30.05.2020 in that regard.

3. When the matter was taken up for hearing on 04.05.2020, it was brought to the notice of this Court by the Learned Standing Counsel appearing for the Second Respondent that due to the Covid 19 pandemic situation, the time schedule for filling up seats in State Government Quota has been extended. Today (05.05.2020), it is represented by the Learned Standing Counsel for the Second Respondent that by letter dated 05.05.2020, the Second Respondent has requested the First Respondent to give permission to conduct counselling for Management seats in Self Financing Medical Colleges and extend the date of resignation from respective Colleges for students who joined in All India Quota Seats in Round -1 from 08.05.2020 till 13.05.202.

*W.P. (MD) No. 6132 of 2020*  
and  
*W.M.P. (MD) No. 5322 of 2020*

4. In view of the aforesaid subsequent developments, the First Respondent shall consider and pass orders on merits and in accordance with law on the aforesaid letter dated 05.05.2020 sent through e-mail by the Second Respondent and communicate the decision taken to all concerned in the prescribed mode including hosting in the official websites expeditiously. Such exercise shall be completed by the First Respondent by 04.00 p.m. on 06.05.2020 and the compliance report in this regard shall be sent to the Registrar (Judicial) of this Bench by e-mail so as to reach by 5.00 p.m. on 06.05.2020. In the event of non-compliance, the matter shall be listed before Court at 10.30 a.m. on 07.05.2020.

5. Accordingly, the Writ Petition is disposed on the aforesaid terms. Consequently, connected Miscellaneous Petition is closed. No costs.

WEB COPY 05.05.2020

Index : Yes/No

Internet: Yes/No

sj

Note: Issue order copy by 05.05.2020

*W.P. (MD) No. 6132 of 2020*  
and  
*W.M.P. (MD) No. 5322 of 2020*

To

1. The Director General of Health Services,  
Ministry of Health and Family Welfare,  
Nirman Bhavan, New Delhi – 110 108.
2. The Selection Committee,  
Directorate of Medical Education,  
Kilpauk, Chennai – 600 010.
3. The Director,  
National Board of Examinations,  
Medical Enclave, Ansari Nagar,  
Ring Road, New Delhi – 110 029.
4. The Board of Governors in Supersession of the  
Medical Counsel of India,  
Pocket 14, Sector – 8,  
Dwarka, Phase -1,  
New Delhi – 110 077.

Copy to

The Registrar (Judicial),  
Madurai Bench of Madras High Court,  
Madurai.

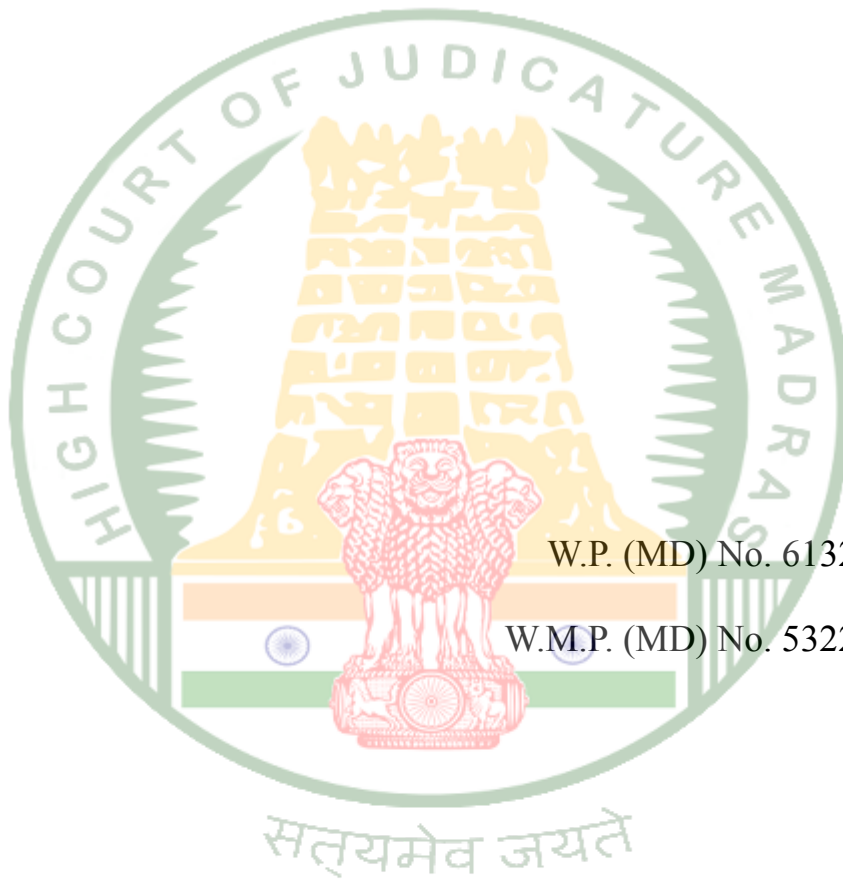
WEB COPY



*W.P. (MD) No. 6132 of 2020*  
and  
*W.M.P. (MD) No. 5322 of 2020*

**P.D. AUDIKESAVALU, J.,**

sj



W.P. (MD) No. 6132 of 2020  
and  
W.M.P. (MD) No. 5322 of 2020

WEB COPY

05.05.2020