

(2022) 01 KL CK 0111

In the High Court Of Kerala

Case No : Writ Petition (C) No. 1426 Of 2022

Aarathy Narayanan, D/o Narayanan Anantharaman

APPELLANT

Vs

Meducal Counselling Committee, Directorate Of Health
Services, Government Of India, Ministry Of Health And Family
Welfare, Nirman Bhawan, New Delhi 110 108

RESPONDENT

Date of Decision : 17-01-2022

Acts Referred:

Citation : (2022) 01 KL CK 0111

Hon'ble Judges : S.V.Bhatti, J;Basant Balaji, J

Bench : Division Bench

Advocate : R.Harishankar, Amal Kasha, Jaishankar V.Nair, Manu S, Krishna

Final Decision : Disposed Of

Judgement

Basant Balaji J.,

1. The petitioner has approached this Court for a direction to the respondents to enable her to upload the documents under the NRI quota and to

include her in the list of NRI eligible candidates for admission to Round 1 of NEET PG counselling 2021.

2. The petitioner cleared NEET PG examination 2021 and became entitled for admission to MD/MS/Post graduate diploma courses and post

MBBS space DNB and NBEMS Diploma course for 2021. As per Ext.P3 notice dated 22.10.2021, the candidates who want to get their nationality

converted from Indian to NRI were given time till 11.00 am of 25.10.2021 to send relevant documents in support of their claim for change their

nationality from Indian to NRI through email. The petitioner submitted Ext.P2 on 24.10.2021 in Annexure 1 form. As per Ext.P2, the petitioner is to

submit the documents claiming that the sponsor is an NRI and a certificate to

show the relationship with the NRI to the candidate.

3. According to the petitioner her father is working in UAE and hence, she is entitled to apply for change of nationality from Indian to NRI for which

her father had applied before the Embassy for issuance of a certificate showing the relationship with her on 14.10.2021 and that due to Covid 19

restriction, the embassy had given the appointment date only on 25.10.2021 between 12.40 and 13.00 hrs. evidenced by Ext.P6. According to the

petitioner, the certificate from the Consulate General of India, Dubai was issued to the petitioner's father only on 27.10.2021 and immediately she

forwarded the same through email to the respondents on 28.10.2021, as per Ext.P9 email.

4. Ext.P11 notice dated 12.1.2022 containing a list of NRI eligible candidates for round 1 of PG counselling 2021 was issued by the respondent. The

grievance of the petitioner is that though she had uploaded all the documents except the certificate from the Consulate General of India, Dubai within

the time prescribed in Ext.P3 due to unforeseen circumstances, she is not included in Ext.P11 list. The counsel for the petitioner submits that it is only

because of the delay that occurred at the Consulate General of India, Dubai due to Covid 19 that she could not upload the same within the time

stipulated as per Ext.P3, i.e., on or before 11 am., 25.10.2021.

5. On 14.1.2022, when the case was taken up for admission, the learned Central Government counsel had taken the notice. He prayed for time for

getting instructions. But from Ext.P15, it is seen that the Registration/Payment for online PG counselling started on 12.1.2022 and available upto 12

noon on 17.1.2022. In such circumstances, this court by interim order dated 14.1.2022, directed the first appellant to include the name of the petitioner

in Ext.P11 list provisionally subject to the outcome of the Writ Petition, so as to enable the petitioner to participate in the 1st round counselling for

admission to MD/MS/Diploma/PG DNB courses in terms of Ext.P15 schedule under NRI quota and the case was posted for today.

6. Today, the counsel for the petitioner submitted that the interim order dated 14.1.2022 was sent to the respondents through email and the registration

was completed on 16.1.2022 and he further submitted that in compliance of the interim order, the petitioner's name is included in Ext.P11 list and that

the interim order can be confirmed.

7. It is seen from Ext.P15 that after registration/payment, the next step is choice filling/locking. The said choice filling/locking is from 4 pm to 11.55 pm

on 7.1.2022 as per server time. Since the respondents have already complied with the interim order passed by this court, we hope that further steps

for admission for first round in respect of the petitioner would be completed by the respondents as per petitioner's rank in the category.

In view of the above discussion, we made the interim order passed by this court dated 14.1.2022, as the final order for disposing of the writ petition

and trust that the admission procedure of petitioner under the NRI quota would be dealt with as per petitioner's rank in NRI quota.

The Writ Petition is disposed of as above.