

IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD
(Special Original Jurisdiction)

WEDNESDAY, THE TENTH DAY OF JULY
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE THE CHIEF JUSTICE ALOK ARADHE
AND
THE HONOURABLE SRI JUSTICE ANIL KUMAR JUKANTI

WRIT PETITION NO: 17532 OF 2024

Between:

Mohammed Taha, S/o Mohammed Abdul Azhar Aged 17 years occ Student, being minor rep by his Natural guardian and Father Mohammed Abdul Azhar S/o late Mohammed Abdul Waheed, aged 54 years occ.Business R/o 19-4-14/2/b/8, Yousfan Gulshan Colony, Airport Road, Bandlaguda, Hyderabad

...PETITIONER

AND

1. The Union of India, Rep. by its Secretary, Department of Higher Education, Ministry of Education, C-109, Sastry Bhavan, New Delhi.
2. National Medical Commission, Rep. by its Chairman, pocket 14, Section 8 Dwaraka Phase I New Delhi 110077.
3. National Testing Agency, Rep. by its Director General C-20/1A18, Sector 62, IIT K Outrich Center Noida.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue an appropriate writ, order or direction, more particularly one in the nature of writ of Mandamus to declare the inaction of the respondents in considering the petitioners representation dt 18-6-2024 in updating the reservation category of the petitioner in NEET Application for the academic year 2024-25 as OBC (BC-E) as other backward class as arbitrary, illegal, unconstitutional and violative of Article 14, 21A of the Constitution of India. and

consequently direct the respondents to update the application of the petitioner as OBC (BC-E) category in the NEET application for the academic year 2024-25 in reservation column pursuant to the representation dt 18/6/2024.

IA NO: 1 OF 2024

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to issue Interim directions to the respondents 2 and 3 to consider the representation of the petitioner dt 18/6/2024 for considering the reservation of the petitioner under OBC (BC-E) category for the NEET application for the academic year 2024-25, pending disposal of the writ petition.

Counsel for the Petitioner: SRI RAJAGOPALLAVAN TAYI

**Counsel for the Respondent No.1 & 3: SRI GADI PRAVEEN KUMAR,
DEPUTY SOLICITOR GENERAL OF INDIA**

Counsel for the Respondent No.2: - - - -

The Court made the following: ORDER

THE HON'BLE THE CHIEF JUSTICE ALOK ARADHE

AND

THE HON'BLE SHRI JUSTICE ANIL KUMAR JUKANTI

Writ Petition No.17532 of 2024

ORDER: *(Per the Hon'ble the Chief Justice Alok Aradhe)*

Mr. Rajagopallavan Tayi, learned counsel for the petitioner.

Mr. Gadi Praveen Kumar, learned Deputy Solicitor General of India appears for respondents No.1 and 3.

2. In this writ petition, the grievance of the petitioner pertains to inaction on the part of National Testing Agency (respondent No.3) in not considering the representations dated 18.06.2024 and 08.07.2024 submitted by the petitioner.

3. Facts giving rise to filing of this writ petition briefly stated are that the petitioner had submitted application form on 16th March, 2024 for appearing in NEET(UG) examination, which was scheduled to be held

on 05.05.2024. In the aforesaid application, the petitioner described himself as belonging to General Category. As per the schedule of National Testing Agency, the application forms submitted by the candidates could be corrected upto 12th April, 2024. The petitioner did not take any steps for correction of his social status in the application form submitted by him.

4. Thereafter, the petitioner appeared in the examination on 05.05.2024 and waited for the results to be declared, which were declared on 04.06.2024. After declaration of the results, the petitioner submitted a representation on 18.06.2024 to the National Testing Agency to update his social status in the NEET (UG) examination. The petitioner later submitted another representation on 08.07.2024. However, the representations submitted by the petitioner failed to

representations submitted by the petitioner failed to evoke any response. Thereupon, this petition has been filed.

5. Learned counsel for the petitioner submitted that the petitioner was not aware that he belongs to OBC category and therefore, he could not mention his caste as 'OBC' in the application form submitted by him.

6. On the other hand, learned Deputy Solicitor General of India submits that the petitioner had filled in the form on 16.03.2024. Thereafter, he was given sufficient time till 12th of April, 2024 to correct the entry made in the application form. It is further submitted that the petitioner had waited till the declaration of the results and therefore, he is not entitled to any relief.

7. We have considered the rival submissions made on both sides and have perused the record.

8. The petitioner submitted the application form on 16.03.2024 and he was given time till 12.04.2024 to correct the entries made in the application form. However, the petitioner did not choose to avail of the said opportunity and appeared in the examination without any protest. The petitioner waited for declaration of results and after 12 days of declaration of the results, he submitted a representation seeking to update his social status in the NEET (UG) Examination. In the absence of any provision, no such prayer for changing the social status/caste of a candidate in the application form, especially after the examination has been held and the results have been declared, can be entertained. In the absence of any statutory right in favour of the petitioner for change of his social status/caste, no writ of mandamus can be issued to the respondents. The conduct of the

::5::

petitioner, in the facts and circumstances of the case, disentitles him to any relief in exercise of this Court's extraordinary jurisdiction under Article 226 of the Constitution of India.

9. In the result, the Writ Petition fails and is hereby dismissed. No costs.

As a sequel, miscellaneous petitions, pending if any, stand closed.

//TRUE COPY//

Sd/- V. KAVITHA
ASSISTANT REGISTRAR
SECTION OFFICER

- To,
1. One CC to SRI RAJAGOPALLAVAN TAYI, Advocate [OPUC]
 2. One CC to SRI GADI PRAVEEN KUMAR, Dy. SOLICITOR GENERAL OF INDIA [OPUC]
 3. Two CD Copies

BN
MP

V. K.

HIGH COURT

DATED:10/07/2024

ORDER

WP.No.17532 of 2024



**DISMISSING THE WRIT PETITION
WITHOUT COSTS**

⑥ $\frac{1113}{23/9/24}$