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W.P.No.9896 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.03.2026

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

**W.P.No.9896 of 2026
And
W.M.P.No.10685 of 2026**

Hemalatha. M

... Petitioner

Vs.

- 1 The Secretary,
Ministry of Health and Family Welfare,
Government of India,
New Delhi – 560 004.
- 2 The Secretary,
National Medical Commission,
Pocket-14, Sector-8,
Dwarka Phase-1,
New Delhi – 110 077.
- 3 The Director General
Directorate General of Health Services,
Ministry of Health and Family Welfare,
Government of India,
New Delhi – 560 004.
- 4 Medical Counselling Committee,
for Post Graduate Medical and Dental Seats,
Directorate General of Health Services,
Ministry of Health and Family Welfare,
Government of India,
New Delhi – 560 004.



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5 The Dean / Medical Superintendent,
ACS Medical College and Hospital
Poonamalle High Road,
Velappanchavadi,
Chennai – 600 077.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents 3 and 4 to treat the seat allotted to the petitioner viz MD- Paediatrics under NRI quota in A.C.S. Medical College and Hospital, Chennai as vacant during the Special Stray Vacancy round of PG Counselling (allotment process) to be conducted by the fourth respondent by accepting the registration of the petitioner pursuant to her email dated 05.03.2026 sent to the fifth respondent College and further to direct the fifth respondent College to refund the entire fee paid to the petitioner being total sum of 80,500\$ (Eighty Thousand and Five Hundred dollars equivalent to INR Rs.72,71,749/- (Rupees Seventy Two Lakhs Seventy One Thousand Seven Hundred and Forty Nine only)) and to return the original certificates to the petitioner submitted to the fifth respondent College.

For Petitioner : Mr.S.R.Raja Gopalan
Senior Counsel
for M/s.P.V.S.Giridhar Associates

For Respondents : Dr.G.Babu for R1, R3, R4
Central Government Senior Panel Counsel
Ms.Subharanjani Ananth for R2



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ORDER

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus directing the respondents 3 and 4 to treat the seat allotted to the petitioner viz MD- Paediatrics under NRI quota in A.C.S. Medical College and Hospital, Chennai as vacant during the Special Stray Vacancy round of PG Counselling (allotment process) to be conducted by the fourth respondent by accepting the registration of the petitioner pursuant to her email dated 05.03.2026 sent to the fifth respondent College and further to direct the fifth respondent College to refund the entire fee paid to the petitioner being total sum of 80,500\$ (Eighty Thousand and Five Hundred dollars equivalent to INR Rs.72,71,749/- (Rupees Seventy Two Lakhs Seventy One Thousand Seven Hundred and Forty Nine only)) and to return the original certificates to the petitioner submitted to the fifth respondent College.

2.The learned Senior Counsel appearing for the petitioner submitted that the petitioner completed M.B.B.S. Degree at Velammal Medical College Hospital and Research Institute, Madurai affiliated with the Tamil Nadu Dr.M.G.R.Medical University, Guindy, Chennai during the month of May, 2024 and registered herself with the Tamil Nadu



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Medical Council on 05.07.2024. The petitioner applied for NEET – PG, 2025 examination to pursue Post Graduate Degree and appeared in the examination conducted on 03.08.2025 and obtained 223 out of 800 marks and the petitioner was selected for NEET – PG Counselling for the academic year 2025 – 2026. Initially, the petitioner applied for the NEET – PG examination under the Indian National category and thereafter vide application dated 15.01.2026 converted the category from Indian National to Non Resident Indian (NRI) for NEET – PG Counselling, 2025 – 2026 and the said application was accepted and the petitioner participated in the Counselling under NRI category.

3.The learned Senior Counsel appearing for the petitioner further submitted that the petitioner was provisionally allotted a seat in ACS Medical College and Hospital and paid a total fee of 80,500\$ on 12.02.2026 and the petitioner submitted her joining report to the fifth respondent College and also submitted all the original certificates. The petitioner attended the courses for nearly two weeks of the College and thereafter she could not continue in view of her health condition as she was diagnosed with psychological depression and the petitioner was also experiencing chronic back pain.

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4.The learned Senior Counsel appearing for the petitioner further submitted that due to the above illness, the petitioner is now not interested to pursue the Post Graduate course. Hence, this Court may issue direction to the respondents 1 to 4 to treat the seat allotted to the petitioner viz MD- Paediatrics under NRI quota in A.C.S. Medical College and Hospital, Chennai as vacant during the Special Stray Vacancy round of PG Counselling (allotment process) to be conducted by the fourth respondent and grant liberty to the petitioner to approach the fifth respondent with regard to the amount paid to the fifth respondent College and for return of the original certificates submitted with the fifth respondent College to the petitioner.

5.The learned Central Government Senior Panel Counsel appearing for the respondents 1, 3 and 4 submitted that MD- Paediatrics under NRI quota allotted to the A.C.S. Medical College and Hospital, Chennai will be cancelled forthwith and the same will be treated as vacant and same will be filled during the Special Stray Vacancy round of PG Counselling to be conducted in future.

6.Recording the submissions made by the learned Senior



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Counsel appearing for the petitioner, this Court directs the fourth respondent to declare the seat allotted to the petitioner under NRI quota in A.C.S. Medical College and Hospital, Chennai as vacant and fill the same during the Special Stray Vacancy round of PG Counselling in future. Liberty is granted to the petitioner to approach the fifth respondent for refund of the fee amount paid to the fifth respondent College and for return of the original certificates submitted with the fifth respondent College. On such approach made by the petitioner, the fifth respondent is directed to consider the same and take appropriate decision.

7.The writ petition is disposed of with the above directions. No costs. Consequently, the connected miscellaneous petition is closed.

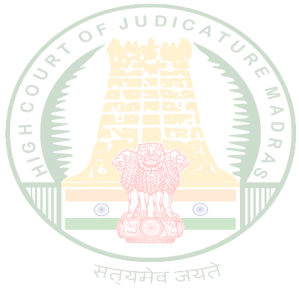
16.03.2026

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Index: Yes/ No
Speaking Order: Yes/ No
NCC: Yes/ No

Note: Issue order copy on 16.03.2026

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