



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 15-07-2026**

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**THE HON'BLE MR.JUSTICE MOHAMMED SHAFFIQ**

**WP No. 6350 of 2026**

**and WMP Nos.6856 & 6859 of 2026**

Dr.S.Abdulkhader  
S/o. Sunthakkani,  
No. 7/163 MMDA Colony 7th Block,  
Maduravoyal,  
Chennai 600 095.

..Petitioner(s)

Vs

1. Union Of India  
Rep. by the Secretary to Government,  
Ministry of Health and Family Welfare,  
New Delhi.
2. The National Medical Commission  
Pocket 14, Sector 8, Dwaraka Phase 1,  
New Delhi 110 077.
3. The Director General of Health Services  
Medical Counselling committee,  
Ministry of Health a family welfare,  
Govt. of India,  
New Delhi 110 108.
4. The Secretary to Government  
Health and Family Welfare Dept.  
Govt. of Tamil Nadu,  
Chennai 600 009.
5. The Director of Medical Education  
Kilpauk, Chennai 600 010.
6. The Selection Committee  
Post Graduate Medical Course,  
Directorate of Medical Education,  
Kilpauk, Chennai 600 010.



7. K.Dhanusha

M.D.Pediatrics I Year PG Resident,  
Kilpauk Medical College,  
Chennai 600 010.

8. The Inspector Of Police,  
Cyber Crime Branch, Chennai.

(R8 SUO MOTU IMPEADED VIDE ORDER  
DATED 16.06.2026 MADE IN WP.6350/2026  
BY MSQJ)

..Respondent(s)

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India, pleaded to issue a Writ of Certiorarified Mandamus, to call for records pertaining to the 3rd round PWD counselling schedule for PG Degree/ Diploma courses in Tamil Nadu Government Medical Colleges, 2025- 26 Session, held online from 7.2.2026 to 8.2.2026 under State Quota and the selection list dated 9.2.2026 published in the official website of the 6th respondent in [www.tnmedicalselection.net](http://www.tnmedicalselection.net) and quash the same and further direct the 6th respondent to conduct a fresh 3rd round of counselling for persons with Disabilities (PWD) candidates.

For Petitioner(s): Mr.A.E.Ravichandran

For Respondent(s): Mr.B.Rabu Manohar,  
SCGC for R1 and R3

Ms.Shubharanjani Ananth,  
Standing Counsel for R2

Mr.P.V.Balasubramanian  
Additional Advocate General assisted by  
Mr.J.V.Sakthi Baalakrishnan  
Govt Counsel for R4 to R6

Mr.Kavin Bharathan, for R7



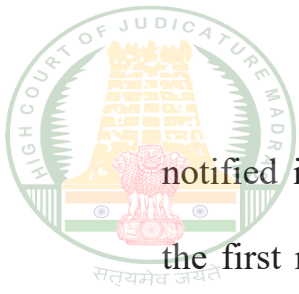
## ORDER

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The Writ Petition is filed for challenging the 3rd round PWD counselling schedule for PG Degree/ Diploma courses in Tamil Nadu Government Medical Colleges, 2025- 26 Session, held online from 7.2.2026 to 8.2.2026 under State Quota and the selection list dated 9.2.2026 published in the official website of the 6th respondent in [www.tnmedicalselection.net](http://www.tnmedicalselection.net) and quash the same and direct the 6th respondent to conduct a fresh 3rd round of counselling for persons with Disabilities (PWD) candidates

2. Learned counsel for petitioner would submit that petitioner applied for PG NEET 2026 Examination conducted by 2nd Respondent under Persons with Disabilities (PWD) Quota under Roll No.25661150694 and secured 286 marks. He would submit that petitioner belongs to the Backward Community-Muslim (BCM) category and holds an All India Rank of 109892. He would further submit that petitioner suffers from locomotor disability of lower limbs, with the condition of congenital talipes equino varus (CTEV) with sequela and relapse and that his disability has been assessed at 52% by the Regional Board.

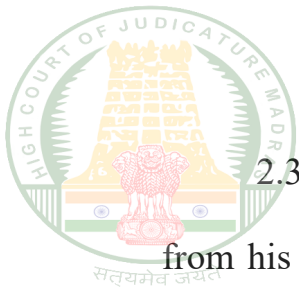
2.1. Learned counsel would submit that the Persons with Disabilities (PWDs) would come under Special Category and counselling had commenced for Special Category in terms of the Prospectus. Accordingly, 6th Respondent



notified in their website ([www.tnmedicalselection.net](http://www.tnmedicalselection.net)) about the Schedule for the first round of counselling for PWD (Special Category) on 19.11.2025. In

the first schedule 31 vacancies were allotted for non-service (open) candidates and 31 vacancies for in-service candidates, making a total of 62 seats available for PWD, under the State quota. He would further submit that petitioner registered his name for the first round of counselling by filling up his choice for (i) MD DVL, (ii) MD Radio-diagnosis, and (iv) M.D. Forensic Medicine and petitioner was selected and allotted M.D. Forensic Medicine. However, petitioner did not join the said course and exited free.

2.2. Learned counsel would further submit that second round of PWD counselling was announced by sixth respondent commencing 18.12.2025. Petitioner applied for counselling by filling up his choice for M.D. Paediatrics, available at Kilpauk Medical College, Chennai. Petitioner was selected and allotted the said seat. He would submit that petitioner did not join the above seat, instead chose to wait for the All India third round counselling for PWD, for better options. He would also submit that sixth respondent announced the third round of PWD counselling from 7.2.2026, fixing the choice filling date between 7.2.2026 and 8.2.2026. The total no. of vacancies for PWD notified was 20 seats for non-service candidates, out of which 14 seats were available under the OC/BCM quota.



2.3. Learned counsel would submit that petitioner attempted to log in from his login ID 25PG104026. However, instead of 14 seats, only 13 seats were shown for choice filling and the vacancy available in M.D. Paediatrics at Kilpauk Medical College, Chennai was not shown as available for choice filling. In other words petitioner would submit that 14 seats ought to have been shown instead only 13 seats were shown. This according to petitioner was due to technical glitches. Petitioner immediately sent an email on 8.2.2026 at 1.00 PM to the 6th Respondent to email id: [selmedi@yahoo.co.in](mailto:selmedi@yahoo.co.in) and [ddogselcom@gmail.com](mailto:ddogselcom@gmail.com) complaining that the M.D., Paediatrics at Kilpauk Medical College, Chennai seat for Non-Service candidates was not available for him for choice filling. Learned counsel would submit that petitioner made several phone calls to the office of the sixth respondent, however there was no effective response.

2.4. Learned counsel would further submit that the staff who attended the call was unable to respond to the petitioner and simply pleaded her inability to help. Petitioner then sent email on 9.2.2026, seeking urgent action and requesting that the result need not be declared until his grievance was redressed. This was followed by another email on 10.2.2026, requesting the 6th Respondent not to allot the M.D., Paediatrics at Kilpauk Medical College, Chennai, pending resolution of grievance. Despite the aforementioned attempts made by petitioner to bring to the notice of the sixth respondent of the fact that he was being denied an opportunity to seek admission to M.D., Paediatrics at



Kilpauk Medical College, Chennai, there was no response from sixth respondent. Instead the seat was allotted to 7th Respondent herein, who only secured 202 marks which is almost 84 marks less than petitioner under the MBC category. In such circumstances, the present Writ Petition came to be filed.

3. There is a report filed by the eighth respondent pursuant to the order of this court. In response to a query raised by this Court during earlier hearings as to whether the screenshots produced by petitioner showing only 13 seats being available, the report showed that the screenshots produced by petitioner which was taken on 08.02.2026 at 12.46 a.m. were examined and found to be genuine. Furthermore, the report notes that there is no evidence of tampering or manipulation nor did the device analysis reveal any abnormal activity or interference by petitioner. This would be clear from the following relevant portions extracted of the said status report:

*9). It is submitted that, the screenshots produced by the petitioner which was taken on 08.02.2026 at 12.46 pm were examined and found to be genuine with no evidence of tampering or manipulation and the device analysis did not reveal any abnormal activity or interference by the petitioner.*

*10) It is submitted that during the inspection the Director Tmt. Sivagama Sundari, Programmer Tr. Karthi, Dr. Lokanayaki, Additional Director of Medical Education and*



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*Secretary of the Selection Committee and other staff members were present and the system was operated by the Programmer. The The logs available in the system were examined through the MS SQL database environment maintained by Bharathi Data Services and certain user-side activity logs were produced before the investigation team.*

*14. It is submitted that no evidence of deliberate manipulation, data tampering or external interference was identified during the course of technical analysis of the counselling portal system maintained by the vendor M/s.Bharathi Data Services Pvt. Ltd.*

It is thus clear that petitioner was denied this opportunity for no fault which is attributable to petitioner.

4. A question that arises is what is the relief that could be granted/extended by this Court in such a case, inasmuch as it is trite that the National Medical Commission freezes the seats for every Institution for each year and number of permitted intake is fixed which cannot be altered.

5. Here, it may be relevant to refer to the judgment of the Supreme Court in the case of ***National Medical Commission vs. Mothukuru Sriyah Koumudi and others***, reported in ***(2021) 14 SCC 805***, wherein it was held that the annual



intake capacity is fixed by the Medical Council of India (now National Medical Commission) which must be strictly adhered to. Consequently, Medical

Colleges cannot be permitted to make admissions beyond their sanctioned annual intake capacity. After having found so, the Supreme Court however carved out an exception and had indicated that in exceptional circumstances, in case the court is of the view that there is no fault attributable to the candidate and the candidate has pursued his/her legal right expeditiously without any delay and there is fault only on the part of the authorities, it may be open to the Court to pass an order cancelling the admission given to a candidate who is at the bottom of the merit list of the category, who if the admission given to the candidate before the Court is given and found to be more merit should have been denied admission, would not have got the admission. The other course which was indicated was that the admission could be possibly granted to the coming academic year.

6. This Court finds that in the circumstances the second course that was indicated by the Supreme Court would be appropriate the facts of the present case.

7. When the matter was taken up on 14.07.2026, this Court based on the submission made by learned Additional Advocate General and learned counsel



for petitioner, recorded as under:

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*“Learned Additional Advocate General indicated that petitioner had been applying and not availing of the seats in the previous occasions and therefore, petitioner be directed to submit an undertaking that he would not take the Neet exam and opt for any other course in the next academic year. For such action may well result in the State losing out on one seat, to which the learned counsel for petitioner readily agreed and also submitted that an undertaking would be filed, wherein it will be indicated that petitioner would not apply for any other course nor will take Neet exam and would avail the seat that has been granted/reserved viz. M.D., Paediatrics in Kilpauk Medical College, Chennai, for the following Academic Year viz. 2026-2027”.*

8. Today when the matter is taken up, learned counsel for petitioner submitted an undertaking, which the learned Additional Advocate General would submit was not the undertaking which was undertaken/promised to be submitted in Court.

9. It is made clear that petitioner would also undertake that since the seat is being reserved for the following academic year 2026-2027, he would not participate in the following year NEET examination. If not it would have a adverse cascading effect in terms of the seats that would be available to the



institution for the academic year 2026-2027, as permitted/approved by the National Medical Commission, in turn would reduce State quota by one seat.

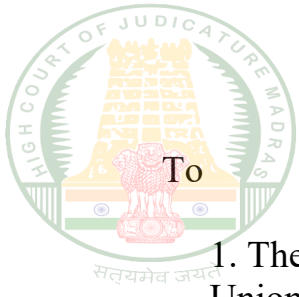
Petitioner was not inclined to accede to the above suggestion to undertake that he would not participate in NEET exam for the academic year 2026-2027, instead would submit that one seat viz. M.D., Paediatrics in Kilpauk Medical College, Chennai, be reserved for petitioner but would submit that he would participate in NEET exam to be conducted next academic year.

10. This Court is not inclined to accede to the above request made by the petitioner in view of the consequences that would ensue. Hence, the Writ Petition stands dismissed. No costs. Consequently connected miscellaneous petitions are closed.

**15-07-2026**

jv

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



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WP No. 6350 of 2



**MOHAMMED SHAFFIQ, J.**

jv

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