IN THE HIGH COURT OF MADHYA PRADESH, PRINCIPAL SEAT AT JABALPUR

Writ Petition No. 12601 **of 2017**

PETITIONERS : **Tarishi Verma**
D/o Smt. Rohini Verma
Aged about minor, Occupation-Student
Through mother and natural guardian
Smt. Rohini Verma
R/o 271, Satna Building
Jabalpur (M.P.)

// VERSUS //

RESPONDENTS : 1. **State of Madhya Pradesh,**
Through Principle Secretary,
Health ,FW & Medical Education Vallabh Bhawan, Bhopal. M.P.462004

2. **Director Medical Education,**
6th Floor, Satpura Bhawan, Arera Hills. Bhopal - 462011

3. **Prakash Kumar,** S/o Vinod Kumar
Roll No. 907809014, through Office of Director Medical Education, 6th Floor. Satpura Bhawan, Arera Hills, Bhopal - 462011

4. **Akshara Ashok**, D/o Ashok Kumar C.K.
Roll No. 904707648, through Office of Director Medical Education, 6th Floor. Satpura Bhawan, Arera Hills, Bhopal - 462011

5. **Vaibhav Sharma,** S/o Rakesh Sharma
Roll No. 910103423, through Office of Director Medical Education, 6th Floor. Satpura Bhawan, Arera Hills, Bhopal - 462011

6. **Akshita Vyas,** D/o Rakesh Kumar Vyas

Roll No. 908006049, through Office of Director Medical Education, 6th Floor. Satpura Bhawan, Arera Hills, Bhopal – 462011

7. **Sai Shruti Dubey**, D/o Amit Dubey
Roll No. 905206981, through Office of Director Medical Education, 6th Floor. Satpura Bhawan, Arera Hills, Bhopal – 462011

8. **Mansi Apreja,** D/o Mahendra Kumar Apreja.
Roll No. 901115805, through Office of Director Medical Education, 6th Floor. Satpura Bhawan, Arera Hills, Bhopal - 462011

9. **Rajni Ayushi,** D/o Lallan Kumar Singh
Roll No. 908000976, through Office of Director Medical Education, 6th Floor. Satpura Bhawan, Arera Hills, Bhopal – 462011

10. **Dhruvi Gupta,** D/o Abhay Gupta
Roll No. 910104097, through Office of Director Medical Education, 6th Floor. Satpura Bhawan, Arera Hills, Bhopal - 462011

11. **Parul Garg,** D/o Pradeep Garg
Roll No. 905100782, through Office of Director Medical Education, 6th Floor. Satpura Bhawan, Arera Hills, Bhopal – 462011

12. **Shiwangi Shrivastava,** D/o Umesh Shrivastava, Roll No. 907849966,through Office of Director Medical Education, 6th Floor, Satpura Bhawan, Arera Hills, Bhopal - 462011

13. **Shruti Kumari,** D/o Shiv Shankar Prasad
Roll No. 905100873, through Office of Director Medical Education, 6th Floor. Satpura Bhawan, Arera Hills, Bhopal - 462011

14. **Arun Kumar Gupta,** S/o Indrajeet Gupta

Roll No. 910210893, through Office of Director Medical Education, 6th Floor, Satpura Bhawan, Arera Hills, Bhopal - 462011

15. **Saumya Bhagat**, D/o Rakesh Bhagat
Roll No. 910103041 through Office of Director Medical Education, 6th Floor, Satpura Bhawan, Arera Hills, Bhopal - 462011

16. **Ayushman Dubey**, S/o S K Dubey
Roll No 905005033 Office of Director Medical Education, 6th Floor, Satpura Bhawan, Arera Hills, Bhopal - 462011

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA

1. **PARTICULARS OF THE CAUSE/ORDER AGAINST WHICH THE PETITION IS MADE :-**

(i) Order No. : Nil

(ii) Order dated: Nil

(iii) Passed by. : Nil

(iv) **Subject Matter in Brief**:

The respondent State of M.P. has framed rules for admission in MBBS/ BDS Courses of 2017 as per this candidate was required to give option at the time of initially filling the form of his domicile of his state, which was directed to be treated as last and final option,

The students have filled up their form accordingly and when the result was declared the result of all candidates of state of M.P. was declared on the NET those who have filled up their domicile as State of M.P., however at the time of registration for counseling many of the candidates those who have not given their choice as residence of state of M.P, have declared themselves to domicile of M.P. and ultimately secured the seat in State of M.P which is contrary to rules and amounts to illegal practice.

That, it is also to state that the "domicile" of any candidate is always one however, many of the candidates have given their "domicile" of more than one state and whenever their rank was higher they have taken admission. which itself was illegal and against the rules.

It is submitted that private respondents at the time of filling up the form had not given state of M.P. as their domicile state however at the time of registration they have given the state of M.P. as their domicile and ultimately have been allotted seats in the college mentioned with their names, this has ultimately put into many students in disadvantageous conditions like the petitioners as they could not get the seat, therefore this petition for quashment of the admission of private respondents and conducting enquiry against those who have obtained admission by playing fraud of declaring themselves to be domicile of two states.

Apart from this some of the private respondents have kept and maintained multiple domiciles for applying for MBBS seats in Govt. Medical Colleges of M.P. which is impermissible in law and make them disentitle for admission in any of the medical college in NEET UG 2017.

2. **A declaration that no proceeding on the same subject matter has been previously instituted in any Court, authority or tribunal, if instituted the status or result thereof, alongwith copy of the order** -

The petitioner declared that the matter, regarding which this petition has been made, is not pending in any other court of law or any bench of any tribunal and if the details have been mentioned in the body of petition.

3. **DETAILS OF REMEDIES EXHAUSTED**: -

The petitioner declared that she has no other appropriate remedy except to approach this Hon'ble High Court as the action of respondents are high handed and they are acting in prejudiced and arbitrary manner.

4. **DELAY, IF ANY, IN FILING THE PETITION AND EXPLANATION THEREFOR :-**

The petitioner, declared that, there is no delay in filing this Writ Petition.

5. **FACTS OF THE CASES** :

5.1 That, the petitioner is domicile of state of M.P. and she has appeared in the examination of admission for MBBS and BDS course of 2017 commonly known as NEET U.G.-2017. The petitioner has scored reasonable marks, the Roll no. of the petitioner is 905302285 and her M.P. state merit as per rank was 645. The petitioner was hoping that they would get admission in any of the Government Medical colleges of State of Madhya Pradesh.

5.2 That, the Respondents State of Madhya Pradesh has framed rules for conducting admission in MBBS as well as BDS courses in various Government Colleges, the rules are commonly known as Madhya Pradesh State Admission in MBBS and BDS courses in Government Autonomous Colleges 2017. A copy of rules is Annexed as **Annexure P-1** hereinafter knows as rules of 2017 dated 05/07/2017. That as per rules of "NEET 2017" the candidate was required to fill up regarding his residence for the "domicile" of the State the choice given was directed to be final. A copy of specimen form is filed herewith as **Annexure P-2**.

5.3 That, after the examination was conducted result of all candidates of State of M.P those who have given their option against the domicile column as the domicile of State of MP was published in the website of DME MP MEDICAL EDUCATION on 08/07/2017. Copy of M.P. State result "NEET UG-2017" is filed herewith as **Annexure P-3**.

5.4 That, thereafter program/schedule was published for State level combined online counseling and as per this from 12.07.17 to 16.07.17 eligible candidate was required to register him/her self for the counseling of "NEET UG-2017". A copy of recommended tentative schedule of online counseling is filed herewith as **Annexure P-4**.

5.5 That, the respondents authorities have published merit list of Madhya Pradesh State registered candidate "NEET UG-2017" however, again on 20.07.17 another list known as revised merit list of Madhya Pradesh State registered candidate "NEET UG-2017" has been published. A copy of list is filed herewith as **Annexure P-5**.

5.6 That, it is submitted that as per the rules candidate was required to declare himself domicile of the State. It is submitted that, many of the candidates at the time of filling the form deliberately have not declared themselves to be the "domicile" of State of Madhya Pradesh and at the time of registration of their candidature for counseling they have declared and uploaded the form claiming themselves to be "domicile" of State of Madhya Pradesh and accordingly they have got their names included in the revised merit list of Madhya Pradesh State registered candidate Annexure P-5.

5.7 That, it is also submitted that, a person or a candidate can always have one "domicile" and he cannot keep "domicile" of two states at a time. Here in the present case many of the candidates deliberately have obtained the domicile of two States including one of State of Madhya Pradesh and other of State of Rajasthan, Uttar Pradesh, Chhattisgarh, Bihar, West Bengal etc with an oblique motive just to obtain undue advantage. It is submitted that, these candidates have not scored well in their State and their rank was very low, however by obtaining "domicile" certificate of State of Madhya Pradesh they have achieved higher rank and accordingly had taken seat in the Government Medical

colleges of State of Madhya Pradesh as well as private colleges of State of Madhya Pradesh.

5.8 That, the respondent No.3 Prakash Kumar at the time of filling the form for "NEET 2017" examination has not declared to be candidate of State of Madhya Pradesh, however at the time of getting registered himself for counseling he has given his choice as a "domicile" of State of Madhya Pradesh and accordingly has uploaded his form and ultimately has succeeded in getting the admission in Govt. MGM Medical College, Indore. It is also submitted that, this candidate has obtained "domicile" of two states one is of state of MP and second is of State of Chhattisgarh.

5.9 That, similarly respondent No.5 Vaibhav Sharma has not declared himself to be resident of Madhya Pradesh at the time of filling of form, however, at the time of getting himself to be registered for counseling he has declared himself to be "domicile" of Sate of Madhya Pradesh and accordingly has obtained seat in Gajraraja Medical College, Gwalior. It is also to be stated that, this candidate had declared himself to be domicile of State of Madhya Pradesh as well as State of Uttar Pradesh. It is submitted that, the State wise rank of this candidate was different in both the States for example the Madhya Pradesh State rank of this candidate was 170, whereas the Uttar Pradesh State rank of this candidate was 620.

5.10 That, there are number of candidates those who have not registered themselves to be the resident of State of Madhya Pradesh at the time of filling the form, however at the time of registering themselves for the counseling they have obtained the "domicile" certificate of State of Madhya Pradesh and accordingly they have obtained the seat in the Autonomous College of State of Madhya Pradesh, they have also obtained the seat in the Private Medical Colleges of State of Madhya Pradesh and also given option for "up gradation" in subsequent round

of counseling. A copy of list demonstrating few examples of these types of candidates is filed as **Annexure P-6**.

5.11 That, as submitted earlier many of the candidates have obtained "domicile" of two States and wherever their rank was higher they have taken admission. A copy of list demonstrating few examples of these types of candidates is filed as **Annexure P-7**. It is submitted that, a person can only be a "domicile" of one State not of two States at a time. The petitioner through her father made detailed representation to the authorities for taking appropriate action against the candidates of Annexure P-6 and P-7 but all has gone in deaf ear. A copy of representation dated 14/08/2017made by petitioner is filed herewith as **Annexure P-8**.

5.12 That, inaction on the part of the respondents in not taking any action against private respondents as well as candidates of Annexure P-6 and P-7 is bad, illegal and arbitrary as the same deprives the admission of genuine candidates like of petitioners, hence this petition on the following grounds :-

6. GROUNDS – URGED

6.1 That, the inaction on the part of the respondents is highly arbitrary, illegal, and bad in law. It is submitted that the deserving candidates who are resident of state of MP like petitioners have been deprived of their legitimate right to get the admission in Government Medical and Dental Colleges of State of MP., therefore state authorities are liable to be directed to cancel the admission of such candidates.

6.2 That, the respondents were duty bound to see that those who have not given their choice as resident of state of Madhya Pradesh, they should not have been permitted to participate in the counseling for the admission in Government Medical and Dental Colleges of State of MP and further they should not have

been permitted to give their choice for up gradation in the second round of counseling, not doing so their act becomes arbitrary, illegal and bad.

6.3 That. the respondents cannot sleep over the genuine complaint made by the petitioners, the inaction of their part is liable to be corrected by issuance of appropriate writ or order by this Hon'ble Court.

6.4 That it is settled law that the citizen can always be domicile of one state he cannot claim himself to be domicile of two states at a time or simultaneously. the candidates of Annexure P-6 , P-7 and P-8 have committed fraud by obtaining domicile certificates of two state which makes them disentitle for the admission in any of the medical and dental college of state of Madhya Pradesh or even in other states, the respondents should have taken action against them, but they have infact promoted such type of illegality. which is bad and illegal, hence they are liable to be commanded by issuance appropriate writ or order to correct their mistake and cancel the admissions of all such types of candidates those who have obtained the admission by applying domicile of two states.

6.5 That. by illegal act of the respondents deserving candidates of state of MP have been deprived of their legitimate right to get the admission in the Government colleges of State of Madhya Pradesh, therefore this act is bad. illegal, arbitrary and against the rules hence liable to be corrected.

6.6 That the act of the private respondents declaring themselves to be the domicile of two states amounts to committing fraud and forged which makes them disentitle any benefit or admission in NEET 2017.

6.7 That. the petitioner crave leave of this Hon'ble Court to raise all other grounds at the time of hearing of the case.

7. **RELIEF SOUGHT** :

In view of the above facts and grounds, mentioned hereinabove.. the petitioners prays for the following reliefs:-

7.1 This Hon'ble Court may kindly be pleased to call for the report and necessary record form the respondents to find out the list of candidate those

who have obtained domicile of multiple States and thereafter cancel their admission.

7.2 That. the admission obtained by the students / candidates who are figured in the list Annexure P-6 , P-7 and P-8 in state of M.P. in any of the Government Medical or Dental College of M.P may kindly be cancelled and thereafter fresh merit list and counseling be done and petitioner be given admission in place of these students. in Government Medical colleges of state of MP or private medical / of state of MP.

7.3 This Hon'ble Court, may kindly be pleased to issue any other order or direction looking to the facts and circumstances of the case. which this Hon'ble Court, deems-fit and proper, including cost of petition.

8. **INTERIM ORDER/WRIT, IF PRAYED FOR : -**

That, looking to the above facts and circumstances, it is most humbly prayed that the respondents may kindly be directed to not to permit such type of candidates those who have obtained the domicile of Multiple states in the second round and left out round of counseling which is scheduled from 18.08.17. A list of such candidates has already been filed as Annexure P-6 . P-7 and P-8.

9. **DOCUMENTS RELIED ON BUT NOT IN POSSESSION OF THE PETITOINERS**:- All original records related to the instant matter are with the respondents.

10. **CAVEAT**: - That no notice of lodging a caveat by the opposite party is received.

An Affidavit is filed herewith.

Jabalpur.
Dated: 16/08/2017

GREESHM JAIN
COUNSEL FOR THE PETITIONER