

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22-12-2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN
AND
THE HONOURABLE DR.JUSTICE P.DEVADOSS

WRIT PETITION No.40550 of 2015
and
M.P.No.1 of 2015

S.Vivithasree ... Petitioner

vs

- 1.The Registrar
Annamalai University
Annamalai Nagar 602 002
- 2.The Dean
Faculty of Medicine
Annamalai University
Annamalai Nagar 602 002
- 3.The Chairman
State Level Caste Scrutiny Committee
Adi-Dravidar and Tribal Welfare
Department
Secretariat, Fort St. George
Chennai 9 ... Respondents

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of certiorari calling for the records relating to the memo issued in F.No.15684/K6/2015 dated 16.12.2015, on the file of the first respondent, and quashing the same.

For Petitioner : Mr.S.Doraiswamy
For Respondents : Mr.R.Sureshkumar for RR1 & 2
Mr.P.S.Sivashanmugasundaram
Special Government Pleader
for R3

ORDER

(Order of the Court was made by M.SATHYANARAYANAN, J.)

By consent, the writ petition itself is taken up for final disposal.

2.The petitioner claims that she belongs to Hindu Kondareddis Community, which is classified as a Scheduled Tribe Community, and would further state that her father was working in Powai in the State of Maharashtra, and she had her education in that place.

3.The petitioner would further aver that she is a native of Kolathur in Salem District and since the Community Certificate was required by the School Authorities, her grandfather viz. Thiru N.Ramamoorthy, who was residing in her native place at Kolathur, submitted an application to the jurisdictional Revenue Divisional Officer in the year 2010, to issue Community Certificate to her and after due verification, the said official has issued a Community Certificate on 22.9.2010, stating that she belongs to Hindu Kondareddis Community.

4.It is further stated by the petitioner that she, after passing XII Standard, submitted an application to the first respondent for admission to 2015-2016 MBBS Course under the Scheduled Tribe Category and she was selected and admitted in the First Year MBBS Course for the academic year 2015-2016 on 2.7.2015, and has also paid the tuition and special fees of Rs.5,54,370/- and claims that she is attending the classes regularly.

5.The petitioner would further aver that on 21.11.2015, the first respondent has issued a memo stating that she has secured admission by submitting a bogus Community Certificate and in this regard, the first respondent has also addressed a letter dated 8.10.2015, to the Revenue Divisional Officer, Mettur, to verify the genuineness of the Community Certificate produced by her at the time of admission, and the Sub Collector, Mettur, vide communication dated 12.11.2015, has informed the first respondent that the Community Certificate produced by the petitioner, is not a genuine one and on the basis of the said communication, the first respondent has called upon the petitioner to offer her explanation through the second respondent within three days, as to why the admission should not be cancelled for submission of bogus Community Certificate.

6.It is further stated by the petitioner that she, in this regard, has filed W.P.No.38809 of 2015 and this Court has observed that since the petitioner herself has submitted an application to the third respondent for scrutiny, verification and genuineness of her Community Certificate issued by the Revenue Divisional Officer, Mettur, dated 22.9.2010, she can pursue the said process.

7.The grievance now expressed by the petitioner, is that pending consideration of the verification of the Community Certificate by the third respondent-Committee, the first respondent has issued the impugned order dated 16.12.2015, suspending her from attending the classes and also calling upon her to vacate the hostel premises with immediate effect, and aggrieved by the same, she has come forward to file this writ petition.

8.Mr.S.Doraisamy, learned Counsel appearing for the petitioner, would contend that admittedly, the proceedings are pending before the third respondent-Committee and unless and until the proceedings are culminated in the form of a final

order, the petitioner cannot be suspended from attending the classes and cannot be asked to vacate the hostel premises and in that event, her entire academic career will be ruined and prays for appropriate orders.

9.The Court heard the submissions of Mr.R.Sureshkumar, learned Standing Counsel, who accepted notice on behalf of the respondents 1 and 2, and Mr.P.S.Sivashanmugasundaram, learned Special Government Pleader, who accepted notice on behalf of the third respondent, also.

10.A perusal of the affidavit would disclose the fact that the petitioner voluntarily submitted an application to the third respondent-Committee for verification of her Community Certificate issued by the Revenue Divisional Officer, Mettur and it is pending consideration. In the interregnum, the first respondent has issued the impugned proceedings suspending her from attending the classes and also further directing her to vacate the hostel premises. In the considered opinion of the Court, unless the proceedings pending before the third respondent, are culminated in the form of final orders, she cannot be suspended from attending classes and also cannot be vacated from the hostel for the reason that in the event of her success in the writ petition, she may have lack of attendance and her academic career will also be in jeopardy. As per the guidelines issued by the Hon'ble Supreme Court of India in the decision reported in AIR 1995 SC 94 (KUMARI MADHURI PATIL V. ADDITIONAL COMMISSIONER), unless the State Level Scrutiny Committee scrutinizes the Community Certificate and gives it's finding, the petitioner's admission is only provisional.

11.In the light of the above facts and circumstances, the writ petition is disposed of by directing the third respondent to consider and dispose of the petitioner's representation dated 11.12.2015, on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner as well as to the respondents 1 and 2, and till then, the petitioner is permitted to attend the classes and also to stay in the hostel to pursue her academic career. It is made clear that the admission of the petitioner to the First Year MBBS Course for the academic year 2015-2016, is purely provisional in terms of the above cited judgment of the Hon'ble Supreme Court of India. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

To:

1.The Registrar
Annamalai University
Annamalai Nagar 602 002

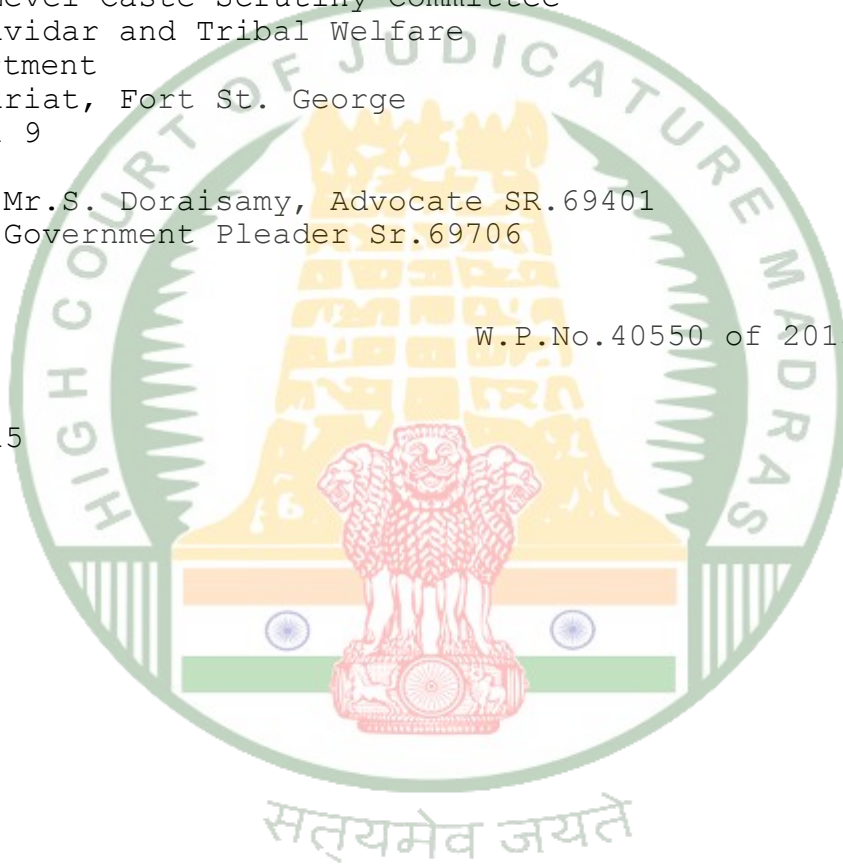
2.The Dean
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3.The Chairman
State Level Caste Scrutiny Committee
Adi-Dravidar and Tribal Welfare
Department
Secretariat, Fort St. George
Chennai 9

+ 1 cc to Mr.S. Doraisamy, Advocate SR.69401
+ 1 cc to Government Pleader Sr.69706

W.P.No.40550 of 2015

VD(CO)
Eu 23.12.15



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