

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 09.11.2017

CORAM

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN**W.P(MD) No.19034 of 2017****and****WMP(MD) No.15374 of 2017**

G.Krithiga

... Petitioner

vs.

The Dean
Government Medical College,
Kanavilaku Theni,
Theni District.

... Respondent

Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus directing the respondent to forthwith issue all the original certificates viz. 1.Community Certificate (Original) 2.X th Mark Sheet (Original 3.XII Mark Sheet (Original) 4.MBBS Degree Certificate 5.Certificate of Provisional Registration 6.Provisional Certificate 1 7.Provisional Certificate 2 8.Course cum Conduct Certificate 9.Certificate of Compulsory Rotatory Resident Internship and 10.Attempt Certificate to the petitioner for having completed the MBBS Degree course so as to enable the petitioner to register herself with the Medical Council and to pursue higher studies.

For Petitioner : Mr.V.Vijayshankar

For Respondent : Mr.T.S.Mohammed Mohideen
Additional Government Pleader

O R D E R

This writ petition has been filed seeking a direction to the respondent to issue all the original certificates viz., 1.Community Certificate (Original) 2.X Mark Sheet (Original) 3.XII Mark Sheet (Original) 4.MBBS Degree Certificate 5.Certificate of Provisional



Registration 6.Provisional Certificate (1), 7.Provisional Certificate(2) 8.Course cum Conduct Certificate, 9.Certificate of Compulsory Rotatory Resident Internship and 10.Attempt Certificate to the petitioner for having completed the MBBS Degree course so as to enable the petitioner to register herself with the Medical Council and to pursue higher studies.

2.The case of the petitioner in brief is as follows:

(i)The petitioner belonged to Hindu - Kattunaicken Community which is classified as a Scheduled Tribe as per the Constitution Scheduled Tribe Order, 1950 and she was issued with a community certificate by the Revenue Divisional Officer, Chengalpet on 28.06.2004. The petitioner's father, his brothers and sisters are also possessed community certificates indicating that they belonged to the said community. The petitioner, after completing her Higher Secondary Course in the year 2010, applied for admission to MBBS course and got admission in Theni Medical College.

(ii)The petitioner has passed all the examinations and completed her CRRI (Compulsory Rotatory Resident Internship) and has completed internship in October 2016. However, she has not been issued with the above mentioned certificates on the ground that the community certificate produced by the petitioner is under verification.

3.The learned counsel appearing for the petitioner submitted that as on today, the certificate issued in favour of the petitioner has not been cancelled. That apart, the certificates issued in favour of her father and his brothers and sisters have also not been cancelled. Merely because the certificate of the petitioner is under verification, she should not be deprived of the benefit of the course which she had undertaken and therefore, she is entitled to the certificates mentioned supra.



4. The learned Additional Government Pleader appearing for the respondent submitted that the community certificate of the petitioner was forwarded to the District Collector, Kanchipuram for verification in the year 2012 itself and since no verification was caused, the respondent has made several reminders to the District Collector, Kanchipuram. It is further submitted that as soon as the respondent received the report regarding the genuineness of the petitioner's community certificate from the District Collector, Kanchipuram, the certificates as mentioned supra will be issued to the petitioner.

5. I have considered the rival submissions made on either side and perused the material documents available on record.

6. At this juncture, the learned Counsel appearing for the petitioner submitted that the issue involved in this writ petition has already been dealt with by the Division Bench of this Court in W.P.No.22493 of 2010 [K.Suganya vs. The Dean, Madras Medical College, Chennai], wherein at paragraph - 5, this Court has held as follows:

"5. Accordingly, we are inclined to accept the claim of the petitioner in this writ petition and the writ petition is allowed. There will be a direction to the Dean, Madras Medical College, Chennai to release 1) M.B.B.S. Degree certificate (2) Transfer Certificate and (3) Provisional Pass Certificate (II) to the petitioner (Registration No.52041147) on production of a copy of this order. We also made it clear that in the event the certificate produced by the petitioner, which is now under verification, is found not to be genuine, necessary action that will follow against the petitioner."



7.The said decision rendered by the Division Bench is squarely applicable to the facts of the present case and therefore, this writ petition is allowed. The respondent is directed to issue the original certificates viz., 1.Community Certificate (Original) 2.X Mark Sheet (Original) 3.XII Mark Sheet (Original) 4.MBBS Degree Certificate 5.Certificate of Provisional Registration 6.Provisional Certificate (1) 7.Provisional Certificate (2) 8.Course cum Conduct Certificate 9.Certificate of Compulsory Rotatory Resident Internship and 10.Attempt Certificate to the petitioner on production of a copy of this order. However, it is made clear that in the event the certificate produced by the petitioner which is now under verification is found not to be genuine, necessary action will be taken against the petitioner. No costs. Consequently, WMP(MD) No.15374 of 2017 is closed.

Sd/-

Assistant Registrar (P & A)

/True Copy/

Sub Assistant Registrar

To

The Dean
Government Medical College,
Kanavilaku
Theni,
Theni District.

+1cc to M/S.V.VIJAY SHANKAR, Advocate SR.No.86216.
+1cc to Special Government Pleader in SR.No.86573.

W.P(MD) No.19034 of 2017
09.11.2017

mj

SDS/SKN:RSK/SAR 3/13.11.2017/4P/4C