

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.06.2018

CORAM:

THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.13038 of 2018

S.Praveen

... Petitioner

vs.

1. The Director,  
Medical Council of India,  
Pocket-14, Sector-8,  
Dhwaraka Phase,  
New Delhi - 110077.
2. The Director,  
Tamil Nadu Medical Council,  
569, National Highway 48,  
Arumbakkam,  
Chennai 600 106.
3. The Director,  
O/o.The Directorate of Medical Education,  
156, Poonamallee High Road,  
New Bupathy Nagar,  
Chetpet, Chennai 600 031.
4. The Vice Chancellor,  
Tamil Nadu Dr.M.G.R. Medical University,  
Guindy, Chennai.
5. The Dean,  
Madras Medical College,  
Chennai 600 003.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus directing the Respondents to issue Course Completion Certificate, Conduct Certificate, Provisional Certificate, Transfer Certificate, Attempt Certificate and 12th Standard Mark Statement together with any other relevant and necessary Certificates to the Petitioner by considering the Petitioner's representation, dated 27.05.2018.

For Petitioner : Mr.S.Silambanan, Senior Counsel  
for Mr.K.Sathish

For Respondents : Mr.A.Raja Perumal,  
Additional Government Pleader

O R D E R

The Petitioner has come up with this Writ Petition seeking a direction to the Respondents to issue Course Completion Certificate, Conduct Certificate, Provisional Certificate, Transfer Certificate, Attempt Certificate and 12th Standard Mark Statement together with any other relevant and necessary Certificates to him by considering his representation, dated 27.05.2018.

2. According to the Petitioner, he belongs to Konda Reddy Community which comes under 'Schedule Tribe' (ST) category. He completed 12th Standard in April 2012 with 1171 marks out of 1200 and obtained 199.75 cut-off marks for joining M.B.B.S. He was allotted a seat under Open Category (OC) in Madras Medical College, Chennai on 06.07.2012 vide A.R.No.2680 and completed M.B.B.S. course in April 2018. The grievance of the Petitioner is that for want of Course Completion Certificate and other Original Certificates, he is unable to complete his enrolment formalities to be enrolled as a Doctor before the Tamil Nadu Medical Council. Though the Petitioner approached the 4th and 5th Respondents on several occasions seeking grant of Course Completion Certificate along with Conduct Certificate and original 12th Standard Mark Sheet, no reply is forthcoming from them. Hence, the Petitioner is before this Court.

3. In the counter filed on behalf of Respondents 3 and 5, it is stated that the Petitioner completed M.B.B.S. Course in March 2018 and that he has been admitted under Open Category (OC). According to the said Respondents, the Petitioner has produced Community Certificate signed by the Revenue Divisional Officer, Salem that he belongs to Konda Reddy Community falling under Scheduled Tribe category and that he has availed the benefits of ST category as also fee concession of Rs.4000/- towards Tuition fee from the date of joining the course till the date of completion of the course. It is further stated in the counter that the genuineness of the Petitioner's community viz. Konda Reddy (Scheduled Tribe) has been referred to the Revenue Divisional Officer, Salem during the year of admission itself and subsequent reminder letters have also been sent to him.

4. Today, when the matter is taken up for hearing, learned Additional Government Pleader appearing for the Respondents, produced a copy of the Letter dated 08.06.2018 vide Na.Ka.No.2880/A4/2018, addressed by the Revenue Divisional Officer, Salem to the Dean, Madras Medical College, Chennai, stating that the Petitioner viz. Praveen has not been issued with such Community Certificate by the Revenue Divisional Officer, Attur, Salem and that it is a fraudulent one and that the Petitioner cannot be considered to be belonging to S.T. category.

5. Learned counsel for the Petitioner submitted that the Petitioner does not want to claim any benefit that may be extended to Scheduled Tribe category by the Government.

6. The fact that the Petitioner has obtained 1171 out of 1200 marks in 12th Standard Public Examination and obtained 199.75 cut-off marks for joining M.B.B.S. Course is not in dispute. It is seen that the Petitioner was allotted M.B.B.S. seat on 06.07.2012 under Open Category (OC) based on the marks obtained by him and not under 'Scheduled Tribe' category. In any event, as the Petitioner has given up his right of reservation under 'Scheduled Tribe' category, it is made clear that if any benefit is availed by the Petitioner for payment of fees under ST Quota, as alleged by the Respondents, the difference in amount that may be payable by a candidate under Open Category, need to be paid by the Petitioner to the 5th Respondent-College. The Respondents are directed to issue Course Completion Certificate to the Petitioner and return all the original Certificates of the Petitioner to him (except the Community Certificate) within one week from the payment of difference in fees, if any.

7. In the allotment order dated 06.07.2012 issued to the Petitioner, the Community of the Petitioner is mentioned as 'ST'. Unless the Petitioner has mentioned his Community as 'ST' in his application, the same would not have been reflected in the Allotment Order. Since the Revenue Divisional Officer, Salem has clarified that the Community Certificate of the Petitioner is fake, this Court makes it clear that the Petitioner shall not claim any kind of benefits under 'Scheduled Tribe' category for any purpose. It is further made clear that the original Community Certificate produced by the Petitioner shall be retained by the Respondents, as the same may be required, if necessary action including criminal action is initiated against him by the Government, for producing fake Community Certificate.

This Writ Petition is disposed of with the above direction and observation. No costs.

Sd/-  
Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

(aeb)

To:

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5. The Dean,  
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+1cc to Mr.KAAVYA SILAMBANAN ASSO. Advocate, S.R.No. 36406  
+1cc to the Government Pleader, S.R.No. 36626

Order in  
W.P.No.13038 of 2018

MG (CO)  
TR(14/06/2018)

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