

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.09.2018

CORAM

THE HON'BLE MR.JUSTICE S.S.SUNDAR

W.P.No.8163 of 2011
and W.M.P.No.1 to 3 of 2018

Dr. Vyoma Tewari ... Petitioner

Versus

1. The Registrar,
Meenakshi Academy of Higher Education and
Research, (Meenakshi University),
No. 12, Vembuliamman Koil Street,
West K.K.Nagar,
Chennai - 600 078.
 2. The Principal,
Meenakshi Ammal Dental College,
Alappakkam Main Road,
Maduravoyal,
Chennai - 602 102.
 3. The Controller of Examinations,
Bhavnagar University,
University Campus,
Gaurishanker Lake Road,
Bhavnagar,
Gujarat - 364 002.
 4. The Vice Chancellor,
Bhavnagar University,
University Campus,
Gaurishanker Lake Road,
Bhavnagar,
Gujarat - 364 002.
- ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorarified Mandamus, or any other appropriate Writ or order or direction in the nature of the Writ and after calling for the records connected with the letter reference: MAHER/450/2011 dated 02.03.2011 issued by the first respondent and letter Ref:

MAHER/450/2011 dated 15.03.2011 issued by the first respondent and to quash the same and further direct the 3rd and 4th respondents to declare the petitioner's BDS Provisional Certificate dated 26.10.2009 as genuine and valid.

For Petitioner : Mr.S.Arunachalam
For R1 and R2 :No Appearance
For R3 and R4 :Mr. D. Prabhumukunth Arun Kumar

O R D E R

This Writ Petition is filed for issuance of a Writ of Certiorarified Mandamus to quash the order dated 02.03.2011 and 15.03.2011 issued by the first respondent and to direct the third and fourth respondents to declare the petitioner's BDS Provisional Certificate dated 26.10.2009 as genuine and valid.

2 The petitioner has challenged the notice dated 02.03.2011 issued by the first respondent University, calling upon the petitioner to show cause as to why the petitioner admission to MDS course shall not be cancelled and why criminal action should not be taken against the petitioner for production of a fake Provisional Degree Certificate for getting admission in the MDS Degree course for the academic year 2010-2011.

3 Consequent to the show cause notice, the first respondent informed the petitioner, requesting to appear for a personal hearing before the first respondent committee on 23.03.2011. Hence, the petitioner before this Court has also challenged the notice for attending enquiry, which is in relation to the show cause notice issued earlier on 02.03.2011. It is not the case of the petitioner that the first respondent is not competent and has no jurisdiction to pass an order as contemplated in the show cause notice. It is for the petitioner to submit his reply and to convince the first respondent that the action proposed by the first respondent is totally unwarranted or illegal. There is no ground made out in this Writ Petition to challenge the show cause notice or notice of enquiry.

4 This writ petition is pre-matured. Further, the relief is for the declaration of the genuineness of the provisional certificate obtained by the petitioner and that is a matter which has to be considered purely on merits on various facts. Hence, this writ petition cannot be entertained. The petitioner seeks consequential relief which has to be considered by the first respondent University based on documents and factual submissions. Liberty is given to the petitioner to raise his contentions before the first respondent.

5 In view of the above, the writ petition is dismissed.
No costs. Consequently, connected Miscellaneous Petitions are
also closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

mpa/rpl

To

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Bhavnagar, Gujarat - 364 002.

+1cc to M/S.S.Arunachalam Associates, Advocate Sr.60833
+1cc to M/S.D.Prabhu Mukunth Arunkumar, Advocate Sr.60999

W.P.No.8163 of 2011

srg 24/09/2018