

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.07.2018

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No. 14803 of 2018

and

W.M.P.No.17497 of 2018

Minor N.V.Baradhan

Rep. by his father

and natural guardian N.Venkatesan

.. Petitioner

Vs.

1. Director General of Health Services,
No.446-A, Nirman Bhawan
Maulana Azad Road,
New Delhi - 110 108.

2. The Medical Council of India
rep. by its Secretary,
Pocket-14, Sector-8,
Dwaraka Phase-1,
New Delhi - 110 077.

3. The Selection Committee for MBBS/BDS
rep by its Secretary,
Directorate of Medical Education,
Kilpauk, Chennai-600 010.

4. The Revenue Divisional Officer,
Dharmapuri,
Dharmapuri District.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the first respondent to receive the application and permit the petitioner to participate in the 2018-2019 M.B.B.S counseling under ST category and admit the petitioner otherwise he is eligible under government quota or private quota or self finance quota or management quota without insisting upon the production of community certificate.

For petitioner : Mr.R.Doraisamy

For respondents : Mr.J.Madana Gopal Rao, CGSC- for R-1
Mr.V.P.Raman - for R-2
Mrs.V.Annalakshmi,
Govt. Advocate for R3 & R4

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ORDER

The petitioner has come forward with the above Writ Petition praying for issuance of a Writ of Mandamus to direct the first respondent to receive the application and permit the petitioner to participate in the 2018-2019 M.B.B.S counselling under ST category and admit the petitioner if otherwise he is eligible under government quota or private quota or self finance quota or management quota, without insisting upon the production of community certificate.

2. The case of the petitioner is that he belongs to Kurumas (ST) Community and his school records also reflect the same. He had passed his 12th standard and secured 408 out of 500 marks and participated in NEET Examination and secured 308 out of 720 marks. His application for issuance of Community Certificate is pending before the 4th respondent from 30.05.2018 onwards. Since the Community Certificate has not been issued by the 4th respondent, he was unable to enclose the same along with his application for MBBS/ BDS course.

3. Head both sides and perused the materials available on record.

4. It is not in dispute that the petitioner belongs to Kurumans (ST) Community. To substantiate the same, he has also filed the community certificates of his parents and his brother. He has secured 408 out of 500 marks in his 12th Standard and 308 out of 720 marks in the NEET Examination.

5. The learned counsel for the petitioner would submit that the Community Certificate is likely to be issued by the 4th respondent within a period of 10 days and therefore he requested to permit the petitioner to participate in the 2018-2019 M.B.B.S counseling under ST category, without insisting upon the production of Community Certificate.

6. The learned counsel for the respondents submitted that it is open for the petitioner/student to participate in the counseling under ST Category.

7. The petitioner shall be permitted to participate in the counseling under ST Category without insisting upon the Community Certificate and as and when the Community Certificate is received by the petitioner, the same shall be produced.

8. It is made clear that, if for any reason the Community Certificate to be submitted by the petitioner is found to be false at a later date, the qualification obtained by the Petitioner would be deemed to be invalid, as by virtue of this Community Certificate, this petitioner is depriving another ST candidate who may have the certificate that may not be in dispute.

9. With the above directions, the Writ Petition is disposed of. No costs. Consequently, Miscellaneous Petition is closed.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

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To

1. Director General of Health Services,
No.446-A, Nirman Bhawan, Maulana Azad Road,
New Delhi - 110 108.
 - 2.The Medical Council of India
rep. by its Secretary, Pocket-14, Sector-8,
Dwaraka Phase-1, New Delhi - 110 077.
 - 3.The Selection Committee for MBBS/BDS
rep by its Secretary, Directorate of Medical Education,
Kilpauk, Chennai-600 010.
 - 4.The Revenue Divisional Officer,
Dharmapuri, Dharmapuri District.
- +1cc to Mr.R.Doraisamy, Advocate, S.R.No.44988
+1cc to Mr.B.Rabu Manohar, Advocate, S.R.No.45076
+1cc to Mr.V.P.Raman, Advocate, S.R.No.45276
+1cc to the Government Pleader, S.R.No.45740

W.P.No. 14803 of 2018
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CS/26/07/18