

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.07.2018

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.16223 of 2018

and

W.M.P.No.19318 of 2018

Aparna Rajendra Kumr

.. Petitioner

Vs.

The Secretary,
Selection Committee,
Admission to MBBS/BDS Courses 2018-19 Session,
Directorate of Medical Education,
Kilpauk, Chennai-600 010.

... Respondent

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the respondent to forthwith consider the claim of the petitioner for admission to the MBBS/BDS course for the 2018-19 Session, on the basis of her nativity certificate of Chennai, Tamil Nadu, without reference to the address of communication and to permit her to join, commence and complete her MBBS/BDS course.

For petitioner : Mr.L.Chandrakumar

For respondents: Mr.C.Manishankar, Addl.A.G. assisted by
Mr.V.Annalakshmi, Govt. Advocate

ORDER

The Writ Petition is filed issuance of a Writ of Mandamus to direct the respondent to forthwith consider the claim of the petitioner for admission to the MBBS/BDS course for the 2018-19 Session, on the basis of her nativity certificate of Chennai, Tamil Nadu, without reference to the address of communication and to permit her to join, commence and complete her MBBS/BDS course.

2. It is brought to the attention of this Court by the respondent that the petitioner has already applied in Gujarat and there is clear prohibition in the Prospectus of Tamil Nadu to enable the candidate/student/petitioner to appear for the counselling. It is very unfortunate that the petitioner in paragraph 9 has stated as follows:

"9. The petitioner further submits that admittedly her application for consideration is only from the Tamil Nadu State and she

had not claimed any nativity from any other State, so to say there had been no claim of dual nativity as because her application itself is and was for Tamil Nadu. At this juncture the petitioner on legal advice asserts and confines that her claim is to be considered only for Chennai, Tamil Nadu based on her nativity and she shall stake no claim of nativity anywhere else or any other State, even though she had her education other than Tamil Nadu, thereby the claim of the petitioner has to be considered only on the basis of her nativity."

3. It is very unfortunate that the petitioner/candidate has come before this Court with false statement as seen from paragraph 9 extracted supra. The petitioner has come before this Court with unclean hands. In this regard, the Supreme Court and this Court held that the petitioner will not be entitled to the relief, if he/she comes to Court with unclean hands, as is evident from the following decisions:

(i) 1993 (1) MLJ 26 = 1992 Writ L.R. 716 (Madras High Court) (V.Tamil Selvan Vs. The State of Tamil Nadu);

(ii) 1983 (3) SCC 333 = AIR 1983 SC 622 = MANU/SC/0054/1983 (Dr.Vijay Kumar Kathuria and another Vs. State of Haryana and others) and

(iii) 1994 (1) LW 21 (SC) = 1994 (1) SCC 1 (S.P.Chengalvaraya Naidu Vs. Jagannath).

4. Though strictures could be passed against the petitioner for approaching this Court with unclean hands, this Court defers from doing so, taking note of the tender age and that, being a girl child, her future should not be ruined. Hence, the petitioner's candidature at Tamil Nadu need not be considered.

5. If any allotment has been granted to the student, it shall stand automatically cancelled without an order being passed by the respondent. If for any reason, the candidate is allowed to continue the course in this State, then the degree that may be obtained, is not a valid one and the students like the petitioner herein, may, by fraudulently obtain the interim order and complete the course and would try to take advantage and ensure that the Court renders a finding at a later date that since the petitioner has completed the course, the degree obtained need not be disturbed. This gives a wrong signal, more particularly when the Court is taken for a ride and genuine students are deprived of the seat. In this case, under clandestine method, the seat due to any other student, is tried to be grabbed by the petitioner.

6. I find that there is no reason to grant the relief sought for by the petitioner. Accordingly, the Writ Petition is dismissed. No costs. Consequently, W.M.P. is closed.

Sd/-
Deputy Registrar

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Sub Assistant Registrar

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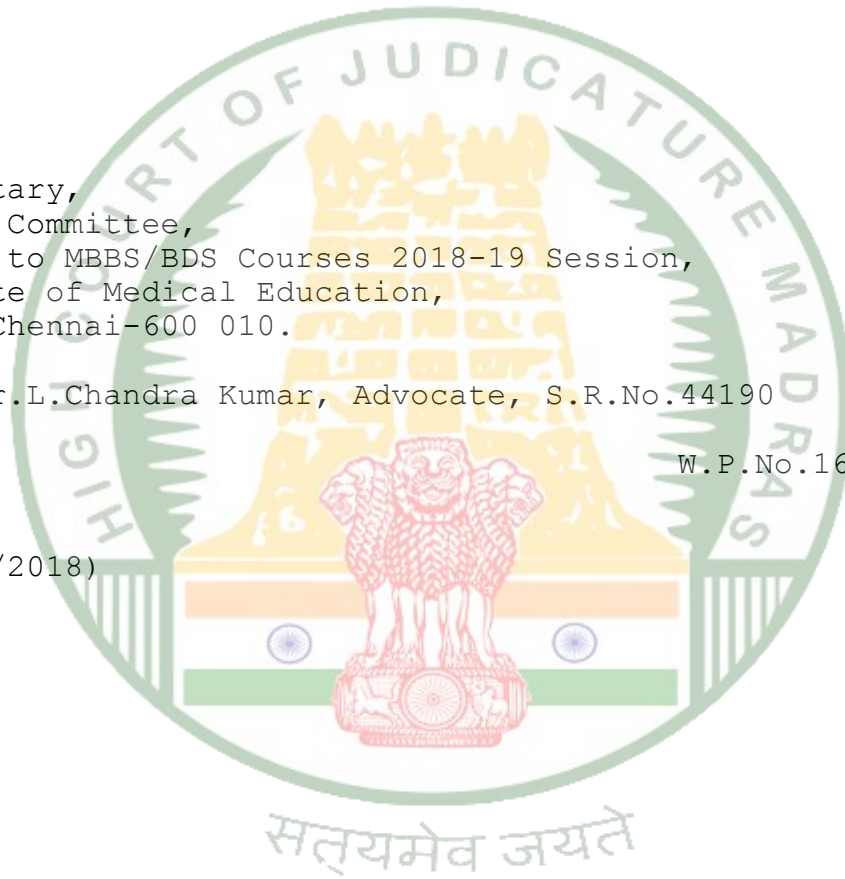
To

The Secretary,
Selection Committee,
Admission to MBBS/BDS Courses 2018-19 Session,
Directorate of Medical Education,
Kilpauk, Chennai-600 010.

+1cc to Mr.L.Chandra Kumar, Advocate, S.R.No.44190

W.P.No.16223 of 2018

GSP(09/07/2018)



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