

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.07.2018

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.17079 of 2018
and
W.M.P.No.20336 of 2018

Minor N.Rukhita (17 years)
Rep. by her father/guardian,
Mr.N.Yatiraj ... Petitioner

Vs.

1. The State of Tamil Nadu, Rep. by
The Secretary to Government,
Health Department, Secretariat, Chennai-9.
2. The Selection Committee
Rep. by the Director of Medical Education,
Directorate of Medical Education,
No.162, Periyar E.V.R.High Road,
Kilpauk, Chennai-10.
3. The Medical Council of India,
Rep. by its Secretary,
MCI Building, Pocket 14, Sector 8, Dwaraka Phase-I,
New Delhi-77. ... Respondents

Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus to direct the respondents to allot one medical seat for the MBBS Course in Madras Medical College, as there are two vacancies in that college on the basis of the marks secured by her as on 05.07.2018 by accepting the Nativity Certificate dated 19.06.2018 produced by her.

For Petitioner : Mr.S.R.Singaravelan, Senior Counsel
for M.Muruganantham

For Respondents: Mr.C.Manishankar, Addl. Advocate General
assisted by Mr.A.Raja Perumal, Addl.G.P.for
RR-1 & 2

Mr.V.P.Raman for R-3

ORDER

The petitioner has come forward with the above Writ Petition praying for issuance of a Writ of Mandamus to direct the respondents to allot one medical seat for the MBBS Course in Madras Medical College, as there are two vacancies in that college on the basis of the marks secured by her as on 05.07.2018 by accepting the Nativity Certificate dated 19.06.2018 produced by her.

2. When the Writ Petition is taken up for hearing, learned Additional Advocate General appearing for the respondents 1 and 2 could not refute the contentions of the petitioner.

3. From the records produced, it appears that there is an error that had crept in while entering the details in the records. The candidate claims to be a Scheduled Caste community and hence, her candidature shall be considered for the second counselling and if the petitioner is otherwise eligible, she shall be accommodated in any one of the Government Medical Colleges in Chennai. If at a later date, it is found that the Community Certificate obtained by her is not genuine, the qualification obtained would stand automatically cancelled and based on the qualification, she cannot continue her further studies or practice her Doctor profession, as the basic qualification that would have been obtained by her pursuant to this order, will no longer hold valid in the eye of law. This order will not preclude the Government/authority from verifying the Community Certificate of the petitioner.

4. With the above observations, the Writ Petition is disposed of. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-
Deputy Registrar(CS)

//True Copy//

Sub Assistant Registrar

cs

To

1. The State of Tamil Nadu, Rep. by
The Secretary to Government,
Health Department, Secretariat, Chennai-9.

WEB COPY

2. The Selection Committee
Rep. by the Director of Medical Education,
Directorate of Medical Education,
No.162, Periyar E.V.R.High Road,
Kilpauk, Chennai-10.
3. The Medical Council of India,
Rep. by its Secretary,
MCI Building, Pocket 14, Sector 8, Dwaraka Phase-I,
New Delhi-77.

+1cc to Mr.M.MURUGANANTHAM, Advocate, S.R.No.45419

W.P.No.17079 of 2018

TR(17/07/2018)



WEB COPY