

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 10.09.2018

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

W.P.No. 17405 of 2018 and
W.M.P.Nos.24398, 20690 and 20691 of 2018

Miss. Selina Sebastin

...Petitioner

Vs

- 1.The Additional Director of
Medical Education - Secretary
Selection Committee,
Director of Medical Education,
Kilpauk, Chennai - 600 010.
- 2.The Controller of Examination,
Tamil Nadu Dr. MGR Medical University,
No.69, Anna Salai,
Guindy, Chennai - 600 032.
- 3.The Principal,
Vee Care College of Nursing,
Vaganagaram,
Chennai - 600 095.
- 4.The Tahsildar,
Taluk Office,
Gummidipoondi Taluk,
Thiruvallur District.
- 5.The Zonal Deputy Tahsildar,
Taluk Office,
Gummidipoondi Taluk,
Thiruvallur District.

...Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the first respondent impugned letter in Ref.No.1350/SES-III(1)/2018, dated 16.03.2018 and consequential letter of the second respondent in LR.No.Ex.VII(4)4351/2018, dated 03.04.2018 and quash the same and permit the petitioner to continue the B.Sc., (Nursing) at the 3rd respondent college.

For Petitioner : Mr.M.Prabakar
For RR 1, 4, and 5 : Mrs.V. Annalakshmi
Government Advocate
For Respondent-2 : Mrs.P.Rajalakshmi
For Respondent-3 : Mr.V.Raghupathi

O R D E R

The petitioner has filed this writ petition seeking for a Writ of Certiorarified Mandamus to quash the impugned letter of first respondent in Ref.No.1350/SCSIII(1)/2018, dated 16.03.2018 and consequential letter of the second respondent in Lr.No.EX.VII(4)4351/2018, dated 03.04.2018 and for a direction to permit the petitioner to continue the B.Sc., (Nursing Course) in the 3rd respondent/College.

2. The petitioner secured 992 marks out of 1200 in 12th standard. Thereafter, she applied before the Directorate of Medical Education for a paramedical degree course, B.Sc., (Nursing). The petitioner was called for counselling for the said course by the selection committee on 04.10.2017. The petitioner claimed that she belonged to Latin Christian which comes under the list of Backward Classes. The petitioner submitted the nativity certificate, based on the community certificate, issued by the Tahsildar and thereafter, the petitioner has applied for admission to the B.Sc., (Nursing Course) under Backward Class quota. The petitioner was selected for the course and he has also paid tuition fees on 12.11.2017 to the College.

3. While so, the 1st respondent/Director of Medical Education passed the impugned letter directing the 2nd respondent to cancel the admission of the petitioner on 16.03.2018. The 2nd respondent/Controller of Examination in turn sent a letter to the 3rd respondent/College on 03.04.2018, to remove the petitioner's name from the course. It is stated that the petitioner was ready to pay examination fees for the academic year 2017-2018 and that the 3rd respondent refused to accept the same. It is under these circumstances, the petitioner has filed the above writ petition, for the relief as prayed for.

4. It is not in dispute that the petitioner was given admission in the 3rd Respondent/College under Government quota, by treating him as a student belonging to Backward Class. The recognition of the petitioner's community status was only on the basis of the community certificate produced by the petitioner.

5. In the counter affidavit filed by the 1st respondent, it is stated that the application of the petitioner was received at the office of the selection committee and the General Rank, Community Rank and the Cut-off Mark has been given to the petitioner. It is further stated that the petitioner attended counselling on 04.10.2017 and he was allotted a seat for B.Sc., Nursing at Vee Care College of Nursing, and got admitted in the Institution on 12.10.2017. However, the petitioner has not submitted the original community certificate and nativity certificate till date. It is stated that as per clause 2 Note (a), the Nativity Certificate should be produced as per instructions for Nativity Certificate in Annexure XIV (a). Producing false Nativity Certificate or any other certificate, if detected at any time later during the course of the study, will result in expulsion of the candidate and also initiation of criminal proceeding against the candidate as well as the parents as per law. It is further submitted that as per the Clause 46 of the prospectus, the selection and admission is liable to be cancelled at any time as and when the eligibility of a student is found to be defective or incorrect or there has been any suppression or misrepresentation of facts. Hence, it is stated that, the selection committee has reserved the right to cancel the allotment of Para Medical Courses and Colleges.

6. In the counter affidavit filed by the 2nd respondent/Controller of Examination, it is stated that the petitioner belongs to Forward Community and that the petitioner joined the course under B.C. community. It is therefore stated that the selection committee was right in taking appropriate action against the petitioner and that the petitioner's admission is liable to be withdrawn as per the prospectus issued by the first respondent. The 4th respondent has submitted that the community certificate produced by the petitioner as well as the file relating to the community certificate issued by the Tahsildar relate to some other person belonging to SC community.

7. In the synopsis, the learned counsel for the petitioner has stated that the community certificate produced by the petitioner was issued by the Deputy Tahsildar of Gummidipundi Taluk. Since a doubt was entertained as to the genuineness of the community certificate produced by the petitioner, this Court was inclined to direct the respondents to hold an enquiry and find out as to the real status of the petitioner.

8. However, the learned counsel appearing for the petitioner states that the 3rd respondent/College is willing to convert the petitioner's admission under the management quota. The learned counsel appearing for the 3rd respondent has raised serious objection for admitting the petitioner under the

management quota. Having regard to the above facts, this court is inclined to direct the 3rd Respondent/College to admit the petitioner in the 3rd Respondent/College under the management quota.

9. The respondents are directed to hold an enquiry as to the genuineness of the community certificate. The 3rd Respondent/College has now agreed to admit the petitioner under the management quota. The petitioner has also expressed her consent through her advocate that she is ready to join the course under the 3rd Respondent/College under the management quota. Therefore, nothing survives as far as the relief is concerned.

10. However, the 3rd Respondent is directed to admit the petitioner under the management quota as undertaken by the learned counsel. The learned counsel appearing for the petitioner still states that the petitioner belongs to backward community and that the genuineness of the claim can be verified. The 4th respondent is directed to consider the same and pass orders as expeditiously as possible and in accordance with law. Since the genuineness of the community certificate is doubted and the petitioner has not produced the nativity certificate, as per the guidelines issued in the prospectus, the admission of the petitioner for the academic year 2017-2018 stands cancelled.

11. In view of the concession made by the learned counsel appearing for the 3rd Respondent/College, the petitioner will be admitted for the course of B.Sc., (Nursing) under the management quota for the academic year 2018-2019.

12. Accordingly, the Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS-IX)

//True Copy//

Sub Assistant Registrar

msm

To

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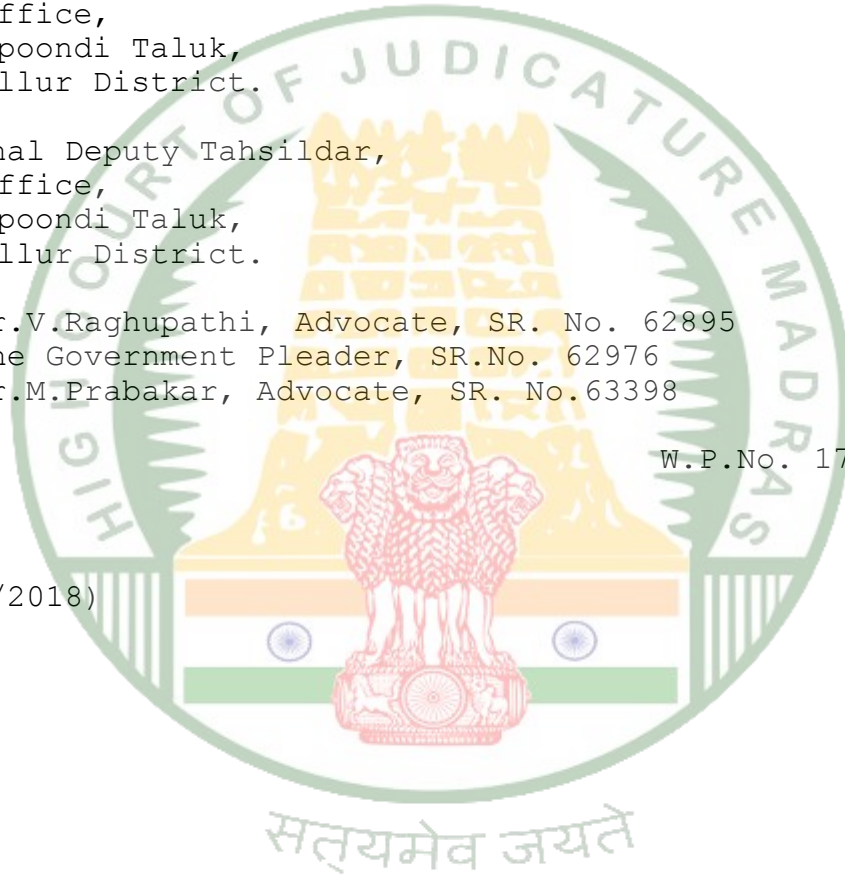
+1cc to Mr.V.Raghupathi, Advocate, SR. No. 62895

+1cc to The Government Pleader, SR.No. 62976

+1cc to Mr.M.Prabakar, Advocate, SR. No.63398

W.P.No. 17405 of 2018

RJ(CO)
rrs(16/10/2018)



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