

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.04.2019

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH
and
THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.P.No.9564 of 2019

S.Mohankumar

.. Petitioner

Vs.

1. The Collector,
Dharmapuri District,
Dharmapuri.
2. The Registrar,
Tamil Nadu Dr.MGR Medical University,
69, Anna Salai, Guindy,
Chennai-600 032.
3. The Dean,
K.A.P.Viswanatham Government Medical College,
Tiruchirappalli-620 001.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the third respondent to issue all MBBS Course Completion Certificates, Provisional Certificates and other connected Certificates including Degree Certificate to the petitioner (Register Number 521316572) based upon the fact that the Community Certificate of his father was already verified by the State Level Scrutiny Committee, dated 09.07.2014.

For petitioner : Mr.V.Elangovan

For respondents: Mr.J.Pothiraj, Spl.G.P. for R-1
Mr.P.Elaya Rajkumar for
M/s.Ramalingam Associates for R-2
No appearance for R3

ORDER

(The Order of the Court was made by R.Subbiah,J)

The petitioner has come forward with the present Writ Petition praying for issuance of a Writ of Mandamus to direct the third respondent to issue all MBBS Course Completion Certificates, Provisional Certificates and other connected Certificates including Degree Certificate to the petitioner (Register Number 521316572) based upon the fact that the Community Certificate of his father was already verified by the State Level Scrutiny Committee, dated 09.07.2014.

2. The case of the petitioner is that he belongs to Kurumans Community, which is a Scheduled Tribe Community. The petitioner's father D.Sivakumar obtained Community Certificate on 07.07.1995 from the Revenue Divisional Officer (RDO), Dharmapuri that he belongs to Kurumans Community. He is employed as Headmaster, Government Higher Secondary School, R.Gopinathampatti, Harur Taluk. The petitioner's father preferred an application to the RDO, Dharmapuri, requesting to issue Community Certificate to the petitioner and his sister. Since no Certificate was issued, the petitioner's father filed a Writ Petition in W.P.No.25415 of 2011. This Court passed an order on 29.03.2012 directing the RDO to issue Community Certificate to the petitioner and his sister that they belong to Kurumans (ST) Community, subject to the condition that final decision which may be taken by the State Level Scrutiny Committee on the Community Certificate of the petitioner's father.

3. It is further stated by the petitioner that thereafter, on 27.07.2012, the RDO, Dharmapuri issued Community Certificate to the petitioner and his sister that they belong to Kurumans (ST) Community. After enquiry on the Community Certificate of the petitioner's father, the State Level Scrutiny Committee gave its finding on 09.07.2014 stating that the Community Certificate of the petitioner's father is genuine. In the meantime, during 2013, the petitioner joined First Year MBBS Course in the third respondent-College under the Scheduled Tribe category. After verification of the petitioner's father's Community Certificate by the State Level Scrutiny Committee, dated 09.07.2014, the RDO, Dharmapuri issued permanent Community Certificate to the petitioner on 06.02.2015. It is further stated that the petitioner's father's own brother, by name D.Deivakumar's Community Certificate was also verified by the State Level Scrutiny Committee and certified to be genuine on 17.09.2014. Thus, the family members' Community Certificates were verified by the State Level Scrutiny Committee and certified to be genuine.

4. It is further stated by the petitioner that he had completed MBBS Course and passed in August 2018. However, no Course Completion Certificate and other connected Certificates were issued to the petitioner. On enquiry with the third respondent, the petitioner was informed that his Community Certificate was sent to the first respondent for verification, but no report was received from the first respondent. On 20.03.2018, the third respondent wrote to the first respondent requesting to send a report, by marking a copy to the petitioner. On receipt of the above letter, the petitioner's father wrote to the first respondent requesting to send a report to the third respondent stating that already his Community Certificate was verified by the State Level Scrutiny Committee and certified to be genuine. In spite of that, the third respondent has not issued the educational Certificates to the petitioner till date. Hence, the petitioner has filed the present Writ Petition for the relief stated supra.

5. When the Writ Petition is taken up for consideration, the learned counsel for the petitioner drew the attention of this Court to the proceedings of the Tamil Nadu State Level Scrutiny Committee, dated 09.07.2014 and submitted that already, the petitioner's father's Community Certificate was verified by the Committee to the effect that he belongs to Kurumans S.T. Community and his Community Certificate was found to be genuine. Hence, the learned counsel for the petitioner submitted that when that being so, there cannot be any impediment for the third respondent to issue the educational Certificates to the petitioner as prayed for.

6. The learned Special Government Pleader appearing for the first respondent, on instructions, submitted that already the petitioner's father's Community Certificate was verified by the State Level Scrutiny Committee to the effect that he belongs to Kurumans ST Community and found to be genuine.

7. Though notice has been served on the third respondent-College and the name of the third respondent is also printed in the cause list, the third respondent has not chosen to appear before this Court.

8. This Court has considered the submissions made on either side and perused the materials available on record. In view of the submissions made on either side, and when already the petitioner's father's Community Certificate was verified by the State Level Scrutiny Committee to the effect that he belongs to Kurumans ST Community and found to be genuine, this Court is constrained to pass the following order.

9. Accordingly, the third respondent is directed to issue all MBBS Course Completion Certificates, Provisional Certificates and other connected Certificates including Degree Certificate to the petitioner (Register Number 521316572), within a period of one week from the date of receipt of a copy of this order.

10. With the above observations and direction, the Writ Petition is disposed of. No Costs.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

cs

To

1. The Collector,
Dharmapuri District,
Dharmapuri.
2. The Registrar,
Tamil Nadu Dr.MGR Medical University,
69, Anna Salai, Guindy,
Chennai-600 032.
3. The Dean,
K.A.P.Viswanatham Government Medical College,
Tiruchirappalli-620 001.

+1cc to Mr.S.Doraisamy, Advocate, S.R.No.41163

+2cc to M/s.Ramalingam Associates, Advocate, S.R.No.41346

+1cc to the Government Pleader, S.R.No.41994

W.P.No.9564 of 2019

GJ(CO)
CS/06/05/2019

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