

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 06.08.2019

DELIVERED ON : 19.08.2019

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH
and
THE HONOURABLE MR.JUSTICE C.SARAVANAN

Writ Petition No.22371 of 2019

P.Santhi
D/o.Late Ponnusamy ...Petitioner

Vs

- 1.The Additional Director of Medical Education/
Secretary,
Selection Committee,
Directorate of Medical Education,
Chennai - 600 010.
- 2.The Revenue Divisional Officer,
Dharmapuri.
- 3.The Chairman,
State Level Scrutiny Committee,
Adi Dravidar and Tribal Welfare Department,
Secretariat, Chennai - 600 009.
- 4.The Director of Tribal Welfare,
Chepauk, Chennai - 600 005. ... Respondents

Writ Petition filed under Article 226 of The Constitution of India praying for issuance of a Writ of Mandamus directing first respondent to grant provisional admission to petitioner's son viz., Pragadeeshwaran S (ARNO: 20484) to the First MBBS Course at SRM Medial College and Hospital and Research Centre, Trichy, subject to the orders which may be passed by third respondent Committee as directed by this Court vide its order dated 23.07.2019 in W.P.No.20075 of 2019.

For Petitioner : Mr.M.Radhakrishnan
For Respondents: Mr.V.Shanmuga Sundar
Special Government Pleader

O R D E R
[Order was delivered by R.SUBBIAH, J]

Petitioner has filed the above Writ Petition seeking issuance of a Writ of Mandamus directing first respondent to grant provisional admission to petitioner's son viz., Pragadeeshwaran S (ARNO: 20484) to the First MBBS Course at SRM Medial College and Hospital and Research Centre, Trichy, subject to the orders, which may be passed by third respondent Committee, as directed by this Court vide order dated 23.07.2019 in W.P.No.20075 of 2019.

2. Heard learned counsel for petitioner and learned Special Government Pleader for respondent. Perused the materials on record.

3. Petitioner herein earlier filed W.P.No.20075 of 2019 seeking issuance of a Writ of Mandamus directing first respondent to permit the petitioner's son Pragadeeshwaran S (ARNO: 20484) to participate in the ensuing counselling session for admission to First MBBS course to be held by first respondent against the seats reserved for Scheduled Tribe Candidates without producing his Scheduled Tribe Community Certificate and allot a seat in any Medical College in Tamil Nadu as per his community rank.

4. When the matter was taken up for consideration on 23.07.2019, first respondent herein has filed a counter stating that the petitioner's son S.Pragadeeswaran has attended the counselling held on 13.07.2019 under ST category and has been allotted a MBBS seat in Trichy SRM Medical College Hospital and Research Centre, Trichy. However, the Allotment Order has not been issued to the candidate for want of Community Certificate and the same will be issued upon production of Community Certificate. This Court, considering the submission of learned Special Government Pleader that the matter is still pending on the file of State Level Scrutiny Committee, Chennai, directed the State Level Scrutiny Committee, Chennai, to pass orders, on the Community Certificate of the petitioner's son, on merits and in accordance with law within a period of four weeks from the date of receipt of this order. This Court further directed that in case, the State Level Scrutiny Committee passes an order confirming the communal status of the petitioner's son and if it is produced before the first respondent, the first respondent shall issue an order of allotment to the petitioner's son forthwith.

5. Learned counsel for petitioner submitted that the present Writ Petition has been filed seeking a direction to first respondent to admit the petitioner and permit him to attend

classes. In the event of State Level Scrutiny Committee not declaring the communal status of petitioner, the first respondent may cancel the admission. In support of his submission, learned counsel placed reliance on the decision of the Supreme Court in Kumari Madhuri Patil v. Additional Commissioner [1994 (6) SCC 241], wherein it has been observed thus:

'10. In case of any delay in finalizing the proceedings, and in the meanwhile the last date for admission into an educational institution or appointment to an officer post is getting expired, the candidate be admitted by the Principal or such other authority competent in that behalf or appointed on the basis of the social status certificate already issued or an affidavit duly sworn by the parent/guardian/candidate before the competent officer or non-official and such admission or appointment should be only provisional, subject to the result of the inquiry by the Scrutiny Committee.'

6. On the other hand, learned Special Government Pleader appearing for respondents submitted that in keeping with the directions issued by this Court, petitioner was permitted to attend the counselling and a seat was also allotted. The allotment order has been withheld only for want of Community Certificate. In such circumstances, the prayer sought for by the petitioner cannot be granted. Relying on the counter filed by first respondent, learned Special Government Pleader submitted that at the time of applying for MBBS//BDS courses under ST category in 2019-2020 session through online, petitioner has not enclosed his Community Certificate. However, petitioner's application has not been rejected. Further, this Court has granted four weeks time to the State Level Scrutiny Committee, Chennai, to pass orders, on the Community Certificate of the petitioner's son, on merits and in accordance with law. If favourable orders are passed, the petitioner will be admitted with immediate effect. सत्यमेव जयते

7. This Court has considered the rival submissions.

8. Taking note of the order passed in W.P.No.20075 of 2019, this Court is of the view that when there is a direction to the State Level Scrutiny Committee, Chennai, to pass orders, on the Community Certificate of the petitioner's son, on merits and in accordance with law, within a specified time, no direction, as sought for by the petitioner, need be issued at this stage to the first respondent. The State Level Scrutiny Committee, Chennai, is directed to pass orders on the Community Certificate of the petitioner's son, by conducting enquiry, within the time specified by this Court in the order dated 23.07.2019 in

W.P.No.20075 of 2019. Petitioner is also directed to co-operate for the said enquiry. In the event of the State Level Scrutiny Committee, Chennai, not passing orders within the specified time, petitioner is at liberty to approach this Court with regard to her son's admission in the College.

Accordingly, the Writ Petition is dismissed. No costs.

s/d-
Assistant Registrar(CS V)

True Copy

Sub-Assistant Registrar

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To

- 1.The Additional Director of Medical Education/Secretary,
Selection Committee,
Directorate of Medical Education,
Chennai - 600 010.
 - 2.The Revenue Divisional Officer,
Dharmapuri.
 - 3.The Chairman,
State Level Scrutiny Committee,
Adi Dravidar and Tribal Welfare Department,
Secretariat, Chennai - 600 009.
 - 4.The Director of Tribal Welfare,
Chepauk, Chennai - 600 005.
- +1 CC to Mr.M.Radhakrishnan, Advocate sr 70333.

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RJI (CO)
SP(20/08/2019)