

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

|             |               |
|-------------|---------------|
| Reserved on | Pronounced on |
| 22.07.2019  | 26.07.2019    |

**CORAM:****THE HONOURABLE MR.JUSTICE R.SURESH KUMAR****W.P.(MD)No.15978 of 2019****and W.M.P.(MD) Nos.12680 and 12681 of 2019**

P.Karuppasamy

... Petitioner

Vs.

1.State of Tamil Nadu

Rep. By its Principal Secretary,  
Department of Medical Education,  
Secretariat  
Chennai.

2.The Secretary,

Medical Council of India,  
Sector 8, Pocket -14, Phase-I,  
Dwarka,  
New Delhi 110077

3.The Director

Medical Council of India,  
Sector 8, Pocket -14, Phase-I,  
Dwarka,  
New Delhi 110077

4.Medical Counselling Committee (MCC)

Government of India,  
Directorate of General Health Services,  
Ministry of Health & Family Welfare,  
Nirman Bhavan,  
New Delhi

5.The Selection Committee

Represented by its Secretary,  
Directorate of Medical Education,  
No.162 Periyar EVR High Road,  
Kilpauk, Chennai

... Respondents

**PRAYER** : Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of declaration to declare that placing of the name of petitioner in the list of candidates not eligible due to nativity and studied other state, as illegal



and direct the respondents 2 to 4 reckon admission of the petitioner in the MBBS Course for the academic year 2019-20 based on the score card of the petitioner in NEET (UG) 2019 and the call letter for counselling dated 18.07.2019 together with all the documents submitted by the petitioner at the time of counselling, treating the petitioner as one fulfilling all the eligible criteria for selection in the counselling for the MBBS course, by allowing the above writ petition.

For Petitioner :Mr.G.Aravinthan

For Respondents :Mr.K.Chellapandian for R1 and R5  
Additional Advocate General  
assisted by M.Rajarajan  
Government Advocate  
Mr.V.P.Ramar for R2 to R4

### **ORDER**

The prayer in the writ petition is for a writ of declaration to declare that placing of the name of petitioner in the list of candidates not eligible due to nativity and studied other state, as illegal and direct the respondents 2 to 4 reckon admission of the petitioner in the MBBS Course for the academic year 2019-20, based on the score card of the petitioner in NEET (UG) 2019 and the call letter for counselling dated 18.07.2019 together with all the documents submitted by the petitioner at the time of counselling, treating the petitioner, as one fulfilling all the eligible criteria for selection in the counselling for the MBBS course.

2. Heard the learned counsel for the petitioner, the learned Additional Advocate General for the respondents R1 and R5 and the learned standing counsel for the respondents R2 to R4.

3. The necessary facts, which are required to be noticed for the disposal of the writ petition, are as follows:

That the petitioner belong to a Scheduled Caste community of Hindu religion, which has been notified as one of the Scheduled Caste in the State of Tamil Nadu. He studied 10<sup>th</sup> standard in the year 2016 and obtained 493 out of 500 marks. Thereafter, he joined +2 course, which he has come out successfully during March 2018, where he scored 191 marks out of 200 in Physics, 188 marks out of 200 in Chemistry, 167 marks out of 200 in Biology.

3.1. Thereafter, for getting admission in MBBS degree course, as per the procedure in vogue, he applied to participate in the NEET UG 2019 examination. Accordingly, he was provided with a Roll No.190410426900 for the examination to be conducted by the respondents 3 to 5 on 05.05.2019. Accordingly, he wrote the said examination.



3.2. The petitioner secured 369 marks out of 720 in the said NEET UG examination and his all India rank is 162298 and category rank is 11221.

3.3. Based on such NEET marks, since the petitioner also had applied to the 5<sup>th</sup> respondent for admission in first year MBBS course of 2019-20, a call letter for counselling for admission of MBBS/BDS course of 2019-20 session had been issued by the fifth respondent, whereby, he had been directed to appear for counselling on 13.07.2019 at 10.00 a.m. When the petitioner had appeared before the counselling centre and produced the certificates required by the fifth respondent, as stated in the call letter, after having perused those certificates, the candidature of the petitioner had been rejected by the 5<sup>th</sup> respondent on the ground that, the petitioner is not a native of Tamil Nadu and therefore, in the category of Scheduled Caste, where, he was ranked with community rank 408, he cannot be considered for admission. Aggrieved over such rejection, the petitioner has filed the present writ petition for the aforesaid relief.

4. The learned counsel for the petitioner would submit that, the petitioner born at Tuticorin, Tamil Nadu, brought up at Tuticorin. He studied upto +2 at Tuticorin and he has been given the community Certificate that, he belongs to Scheduled Caste in the State of Tamil Nadu by the competent authority and he has also scored 369 marks in the NEET examination out of 720 and accordingly, as per the community ranking for Scheduled Caste candidates, he had been ranked at 408 and had the petitioner been permitted to participate in the counselling to select the seat, certainly, on the basis of the ranking of the petitioner on merits, the petitioner could have been accommodated in first year MBBS course in any of the Colleges in the State and therefore, the rejection made on the part of the 5<sup>th</sup> respondent on the ground that, the petitioner is not eligible due to nativity and studied other State, is unlawful and unjustifiable. Therefore, indulgence of this Court is very much required, the learned counsel submitted.

5. Per contra, the learned Additional Advocate General for the 5<sup>th</sup> respondent makes his submission that, the petitioner's candidature at the counselling centre was scrutinised as per the condition No.5 of the prospectus issued by the 5<sup>th</sup> respondent, which reads thus:

5.Nativity:

(a) Candidates should be a Native of Tamil Nadu.

(b) Candidates belonging to Native of Tamil Nadu and having studied from Standard VI to Standard XII in schools of Tamil Nadu need not submit their "Nativity Certificate". However, such candidates should produce the true copies of their parent's certificates such as Birth certificate, Ration Card, SSCL/10<sup>th</sup>/12<sup>th</sup>/Degree/Diploma/Professional course. In case, parents are



WEB COPY

not literate, then No Graduation Certificate for parents, from the Revenue Authority of Competent jurisdiction, to substantiate their parent's place of birth in Tamil Nadu and also "Parent's Community Certificate to claim the communal reservation". If the candidates do not submit the above mentioned certificates, then the candidates will be considered under Open Category only.

(c) Candidates belonging to other States who are residing at Tamil Nadu cannot claim nativity of Tamil Nadu and they will be considered under Open Category.

(d) The other State candidates who are not native of Tamil Nadu and have studied from Standard VI to XII in Tamil Nadu will be considered under Open Category.

(e) Permanent Residence Certificate in lieu of Nativity Certificate will not be accepted.

(f) Candidates who are Native of Tamil Nadu, but studied from VI Standard to XII standard outside Tamil Nadu either partly or completely in one or more States should produce the true copies of their parent's certificates such as Birth Certificate, Ration Card, SSLC/10<sup>th</sup>/12<sup>th</sup>/Degree/Diploma/Professional course. In case, parents are not literate, then No Graduation Certificate for parents, from the Revenue Authority of competent jurisdiction, to substantiate their parent's place of birth in Tamil Nadu and also "Parent's Community Certificate to claim the communal reservation". If the candidates do not submit the above mentioned certificates, then the candidate's application will be summarily rejected.

....."

In the said clause 5 of the prospectus, the learned Additional Advocate General very much relied upon sub clause (f) and would submit that, the candidates, who are native of Tamil Nadu, who studied from 6<sup>th</sup> to 12<sup>th</sup> standard outside Tamil Nadu, has to produce the parent's certificate, such as birth certificate, ration card, etc., and also other relevant certificates to substantiate their parents place of birth in Tamil Nadu and also community Certificate to claim the communal reservation.

6. The learned Additional Advocate General would further submit that, in the case of the petitioner, the petitioner's father's certificates were required to be produced and on perusal of the said certificates, it was found that, the father of the petitioner born at Srilanka. Therefore, he is a national of Srilanka and thereafter, he studied at various institutions at Karnataka and therefore, the parent's of the petitioner is not



belong to Tamil Nadu and therefore, the nativity cannot be claimed by the petitioner. Therefore, applying clause 5(f) of the prospectus, the candidature of the petitioner had been rejected, the learned Additional Advocate General contended.

7. The learned Additional Advocate General also submits that, apart from clause 5(f), 5(b) also would be relevant, under which also, the father's nativity and community to be substantiated by number of necessary certificates, without substantiating the same, the petitioner would not get consideration for counselling for admission, in MBBS and BDS courses under the SC communal category.

8. In this context, the learned Additional Advocate General has also relied upon the following averments made in the counter affidavit filed by the 5<sup>th</sup> respondent, where the Additional Advocate General relied upon the following paragraphs:

"6.It is further submitted that the petitioner has applied for admission to MBBS/BDS courses in Tamil Nadu Government Medical/Dental Colleges during the academic year 2019-2020. The A.R.No. of the petitioner, P.Karuppaswamy is 21310 and his NEET score is 369 out of 720. As per the documents attached with the filled in online application, it is found that his parent's Nationality is Srilanka. His parents have pursued their studies in Karnataka. But, the petitioner has studied VI Std to XII Std in Thoothukudi, Tamil Nadu.

7.It is further submitted that as the parents of the petitioner belongs to Karnataka, the petitioner is not eligible to claim the communal reservation in Tamil Nadu.

8.It is submitted that as the parent of the petitioner is a Nationality of Srilanka and has obtained a certificate from the Assistant High Commissioner for India, Kandi, Ceylon, for being a citizen of India under the provisions of Section 51 (1)(b) of the Citizenship Act, 1955.

9.It is submitted that he has obtained a Community Certificate issued by the Tahsildar, Thoothukudi vide Certificate No.TN-52019601014486 dated 12.06.2019 stating that he belongs to "Pallan" community, which is recognized as a Scheduled Caste as per the Scheduled Caste and Scheduled Tribes Orders (Amendment) Act, 1976 vide Serial No.49."

.....

11.It is submitted that as per the Clause 5 (f), the candidate has to produce his parents Community Certificate to claim the communal reservation. On perusal of his parents Transfer



Certificate, it is found that they belong to Scheduled Caste. As per the Transfer Certificate, both of his parents have studied in Karnataka. Even though he has been a native of Tamil Nadu, as his parents are native of Srilanka, he is not considered eligible to secure a MBBS seat under SC category not produced any documents to substantiate her as an Overseas citizen of India, she has been considered ineligible for admission to MBBS/BDS courses for the academic year 2019-20.

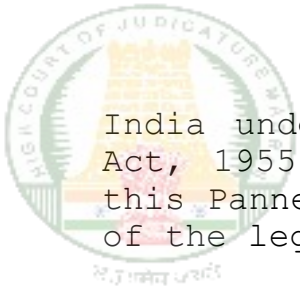
12. It is further submitted that though the candidate has claimed himself as a native of Tamil Nadu and have studied in Tamil Nadu, his parents are native of Srilanka. As the parents belong to Scheduled Caste community of Karnataka and as per rules, a person could not claim community of two States, the petitioner was made ineligible."

By relying upon these averments made in the counter of the 5<sup>th</sup> respondent and also clause 5(b) and 5(f) of the prospectus, the learned Additional Advocate General submitted that, as the petitioner cannot be treated as a native of Tamil Nadu, his communal status as Scheduled Caste candidate cannot also be accepted. Therefore, based on the community ranking the SC community status to the petitioner, cannot be confirmed and because of which, admission cannot be granted. Therefore, even though the petitioner was called for counselling under the said communal category under SC, his candidature was rejected by the 5<sup>th</sup> respondent, on perusal of the certificates of the father of the petitioner, by giving reasons and therefore, the said rejection requires no interference from this Court, he contended.

9. I have considered the said submissions made by the learned counsel for the petitioner as well as the learned Additional Advocate General for the 5<sup>th</sup> respondent. I have also heard the learned standing counsel for the other respondents.

10. On perusal of the certificate of birth issued by the Government of Srilanka, dated 28.03.1971, it reveals that, the petitioner's father one Panneerselvam born on 05.10.1968 at Srilanka and in the said certificate, his (Panneerselvam) father's name was mentioned as Periyannan and in the column "race", it is mentioned as "Indian Tamil". Like that, his mother's name one Ramayee has also been mentioned and whose race also has been mentioned as "Indian Tamil".

11. A certificate dated 21.08.1969 called Certificate of Registration was issued by the Office of the Assistant High Commissioner for India, Kandy, (Ceylon), under which, the petitioner's grandfather ie., Panneerselvam's father one Periyannan has been registered by the Assistant High Commissioner for India, Kandy, and declared by that certificate that, he is a citizen of



India under the provisions of Section 5(1)(b) of the Citizenship Act, 1955. The said Periyannan, having legal heirs, among them, this Panneerselvam ie., the father of the petitioner herein, is one of the legal heir, ie., son of that Periyannan.

12. Thereafter, it seems that, the said Panneerselvam, father of the petitioner, had come to India at his early age and studied at various institutions in the State of Karnataka. But, at the same time, it seems that, the petitioner's family settled at Tuticorin, where, the petitioner born at Tuticorin in a Nursing Home, called Suganthi Nursing Home on 25.07.2000 and in this regard, the Birth Certificate has also been issued by Tuticorin Municipality on 28.09.2000 stating that, the petitioner born on 25.07.2000 at Tuticorin.

13. Petitioner's certificates of the School upto +2 had shown that, the petitioner had studied upto +2 standard only at Tuticorin.

14. It is pertinent to be noted that, the concerned authority, namely, the Tahsildar, Tuticorin issued a community Certificate for the petitioner on 01.07.2009, where, the Tahsildar has given the certificate for the petitioner with Scheduled Caste Community (Hindu Pallan).

15. Also, the transfer Certificate issued by the BMC Matriculation Higher Secondary School, Tuticorin, where, the petitioner studied +1 and +2 states that, the petitioner is Indian Hindu Pallan, ie., Scheduled Caste community and his Date of Birth is 25.07.2000.

16. The certificates, which have been produced before this Court, for perusal, disclose the following factors:

(1) that the petitioner's grandfather is an Indian Citizen as declared by High Commission for India at Kandy by certificate of declaration dated 21.08.1969. However, the petitioner's father one Panneerselvam born on 05.10.1968 at Srilanka, had subsequently come to India. Even though the petitioner's father studied in some institutions at Karnataka, the family of the petitioner settled at Tuticorin. Considering the settlement of the petitioner's family at Tuticorin and his community status, the revenue department issued the community Certificate on 01.07.2019, where two aspects have been made clear:

That the petitioner's community status that, he belongs to SC community and also the petitioner's nativity status that, he belongs to Tuticorin, Tamil Nadu. The relevant portion of the said certificate reads thus:

“2.திரு/திருமதி/செல்வன் /செல்வி கருப்பசாமி என்பவரும்

அவருடைய குடும்பத்தினரும் தமிழ்நாட்டில் தூத்துக்குடி மாவட்டத்தில்

<https://hcservices.ecourts.gov.in/hcservices/>

தூத்துக்குடி வட்டத்தில் தூத்துக்குடி-II கிராமத்தில்/நகரத்தில் வசித்து

வருகிறார்கள் எனச் சான்றளிக்கப்படுகிறது.”



(2) The certificates of the school concerned, where, the petitioner studied, also discloses that, the petitioner studied from 6<sup>th</sup> standard to 12<sup>th</sup> standard only at Tuticorin.

16. With the strength of these certificates only, the petitioner applied to the 5<sup>th</sup> respondent for admission, based on the score he earned in the NEET examination 2019. Accordingly, on consideration of the ranking of the petitioner under communal category (SC), the petitioner had been called for counselling through the call letter issued by the 5<sup>th</sup> respondent to attend the counselling on 13.07.2019, where the following information had been given:

"MBBS/BDS  
ADMISSION 2019-2020 SESSION  
CALL LETTER FOR COUNSELLING

|                               |                                                                                                                                     |
|-------------------------------|-------------------------------------------------------------------------------------------------------------------------------------|
| NAME                          | :KARUPPASWAMY P                                                                                                                     |
| ARNO                          | :21310                                                                                                                              |
| TOTAL MARKS                   | :369                                                                                                                                |
| GENERAL RANK                  | :7824                                                                                                                               |
| COMMUNITY                     | :SC                                                                                                                                 |
| COMMUNITY RANK                | :408                                                                                                                                |
| DATE & TIME OF<br>COUNSELLING | : 13.07.2019 - 10.00 AM                                                                                                             |
| REPORTING TIME                | :ONE HOUR BEFORE COUNSELLING<br>TIME VENUE GOVT. MULTI SUPER<br>SPECIALITY HOSPITAL, OMANDURAR<br>GOVT. ESTATE, CHENNAI - 600 002." |

17. In the very same call letter under the heading "instructions", the certificates to be produced by the petitioner, have been listed out, wherein, S.No.7, the following has been made:

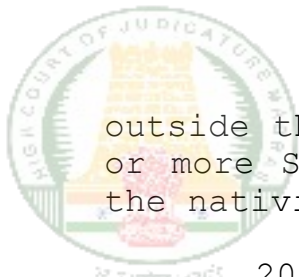
"7.Nativity Certificate for the candidates who are native of Tamil Nadu but have studied from Std VI to Std XII outside Tamil Nadu either partly or completely in one or more State."

18. In the very same call letter, under the heading "parents' certificates", the following certificates of the parents were required, which reads thus:

"PARENT CERTIFICATES:

- 1.Transfer Certificate/SSLC/10<sup>th</sup>/12<sup>th</sup> Mark Sheet/First Graduate Certificate/No Graduate Certificate
- 2.Community Certificate
- 3.Income Certificate (If applicable)"

19. So, the requirement of the 5<sup>th</sup> respondent, so far as the nativity of the candidate is concerned, was that, only in respect of the students, who studied from 6<sup>th</sup> standard to 12<sup>th</sup> standard



outside the State of Tamil Nadu either partly or completely in one or more States and claim the nativity status alone, shall produce the nativity Certificate issued in this regard.

20. Probably, this requirement was made based on clause 5(f) of the prospectus, which has already been extracted hereinabove.

21. In the category of parents Certificates, transfer Certificate, mark statement of SSLC or 10<sup>th</sup> or 12<sup>th</sup>, graduation certificate, and no graduation certificate, community certificate and income certificate alone were sought for.

22. The nativity certificate of the parent is not required. However, clause 5 of the prospectus makes it clear that, the communal reservation benefit shall be extended only to the native of Tamil Nadu, that means, the candidates, who are having the nativity of Tamil Nadu alone, would be entitled to claim admission under communal category.

23. Prospectus 5(b) also made it clear that, candidates belong to native of Tamil Nadu and having studied from standard 6<sup>th</sup> to standard 12<sup>th</sup> in schools of Tamil Nadu need not submit their nativity certificate. However, under 5(b), a rider is there, under which, such candidates should produce the true copy of the parent's certificate, such as birth certificate, ration card, no graduation certificate, in order to substantiate their parents place of birth in Tamil Nadu and also the parents community certificate to claim the communal reservation. Here, in the case in hand, the parent's birth certificate makes it clear that, the petitioner's father born at Srilanka. However, the petitioner's grandfather is an Indian Citizen and the petitioner's family also, ie., his parents settled at Tuticorin long back and has been permanently residing in Tuticorin, which has been verified by the revenue authority, who has issued a certificate to that effect.

24. That apart, the communal status of the petitioner has also been confirmed by the revenue authorities and accordingly, a permanent community Certificate also has been issued by the competent authority declaring that, the petitioner belongs to a Scheduled Caste community in Tamil Nadu.

25. It is also a fact that, the petitioner has completed school education at least from 6<sup>th</sup> to 12<sup>th</sup> standards only in the State of Tamil Nadu.

26. Therefore, clause 5(f) of the prospectus, as has been vehemently contended by the learned Additional Advocate General relying upon the averments made in the counter affidavit of the 5<sup>th</sup> respondent, in the opinion of this Court, would not apply to the case of the petitioner.

27. Though in the counter affidavit of the 5<sup>th</sup> respondent at Paragraph 10, they very much relied upon clause 5(f) of the



prospectus and takes a stand that, clause 5(f) would apply to the case of the petitioner, certainly, that clause would not be applicable to the case of the petitioner.

28. However, the learned Additional Advocate General also relied upon clause 5(b) of the prospectus, where it has been made clear that, candidate belonging to native of Tamil Nadu, having studied from classes 6 to 12<sup>th</sup> in schools of Tamil Nadu, need not submit their nativity certificate, however, the candidates should produce the certificates of the parents.

29. Assuming that the parents' certificate should be produced by the petitioner, whether his parents' certificates would change the nativity as well as the communal status of the petitioner is the question to be answered, in order to make a student eligible, like the petitioner, for claiming community status to get admission in the MBBS/BDS course, as per the prospectus in this regard.

30. In the call letter itself, the petitioner had been directed to produce 10 number of certificates, out of which, S.No.7 states about the nativity certificate, ie., only in respect of the students, who studied from 6<sup>th</sup> to 12<sup>th</sup> standard outside Tamil Nadu. Since the petitioner studied 6<sup>th</sup> to 12<sup>th</sup> standard only at Tamil Nadu, ie., at Tuticorin, the question of submission of nativity certificate does not arise. Like that, under the heading parent's certificates, the parent's certificate like, Transfer Certificate, first graduation certificate, no graduation certificate, mark statement of SSLC, 10<sup>th</sup> and 12<sup>th</sup>, community certificate and income certificate had been asked for. There is no dispute that, the petitioner belongs to a Scheduled Caste community and his father also belongs to Scheduled Caste community.

31. In this context, it is the stand of the respondent, especially, the 5<sup>th</sup> respondent that, the petitioner's community status of Scheduled Caste is at Karnataka not at Tamil Nadu. However, the community Certificate issued for the petitioner by the competent authority makes it clear that, the petitioner belongs to a Scheduled Caste community and this has been reiterated in the transfer Certificate issued by the school, where, the petitioner studied +2 at Tuticorin.

32. Law is well settled that, insofar as the communal status of a candidate is concerned, if a community Certificate is issued by the competent authority, unless and until that certificate is withdrawn or cancelled in the manner known to law, the law shall presume that, the candidate belongs to that community. Many number of decisions of this Court as well as the Apex Court had been made in this regard.

33. As the communal status of the petitioner had been made clear by the community Certificate issued by the competent



authority, which is a permanent status, unless and until it is withdrawn or cancelled, one cannot say that, the candidate, who has been issued with such community Certificate by the competent authority, cannot claim such status.

34. Moreover, the petitioner's mother tongue is Tamil and he is a Tamilian and his grandfather is the citizen of this Country and the petitioner born only in Tamil Nadu at Tuticorin, for which, birth Certificate has been issued by the Tuticorin Municipality and thereafter, petitioner grown at Tuticorin, Tamil Nadu and studied upto +2 only at Tuticorin, Tamil Nadu and his communal status also has been recognised by the competent authority by issuing permanent community Certificate denoting the communal status of the petitioner as Scheduled Caste. All these documents would combinedly go to show that, the petitioner is a native of Tamil Nadu and he belongs to a Scheduled Caste community.

35. There is absolutely no contra document available before this Court to take a different view that, the petitioner not belongs to Tamil Nadu or not belongs to Scheduled Caste community.

36. Infact, the petitioner has been considered for admission in MBBS/BDS course, for the year 2019-20 by the 5<sup>th</sup> respondent under Scheduled Caste category and accordingly, the call letter was given for counselling. However, during the counselling, after having perused the documents pertaining to the father of the petitioner, which even though does not disclose anything contra to the communal status of the petitioner, the 5<sup>th</sup> respondent rejected the candidature of the petitioner on the ground that, the petitioner is not eligible due to want of nativity and studied other State. Though both the reasons are combinedly stated in the said list of rejected candidates, where the petitioner's name finds place at S.No.11, certainly, the candidature of the petitioner could not have been rejected for the reason of studied other State, as admittedly, the petitioner studied only at Tamilnadu upto +2.

37. Insofar as the issue of nativity is concerned, without being a native person of this State, the permanent communal status could not have been conferred by the competent authority. If one wing of the authority of the State or the instrumentality of the State conferred a communal status and nativity status to a person, another wing of the very same instrumentality of the State cannot reject it without any valid reason.

38. In a case of this nature, the 5<sup>th</sup> respondent should have accepted the candidature of the petitioner provisionally and selection could have been given based on the ranking (merit ranking) under the particular communal category of the petitioner provisionally and such provisional selection or admission, if made could be subject to verification of his nativity or communal status, as the competent authority has given such status by way of community Certificate in permanent nature declaring that, the



petitioner belongs to Scheduled Caste community in the State of Tamil Nadu.

39. Instead, the 5<sup>th</sup> respondent has outrightly rejected the candidature of the petitioner by citing the said reason of nativity or study in other State. Therefore, both reasons cited by the 5<sup>th</sup> respondent for rejection of the candidature of the petitioner, in the considered opinion of this Court, are unlawful and unjustifiable. Therefore, necessary interference or indulgence is warranted in this case.

40. In the result, this Court is inclined to issue the following directions:

"that the respondent, especially, the 5<sup>th</sup> respondent shall consider the candidature of the petitioner for admission in first year MBBS/BDS course, as per the communal ranking obtained by him, based on the NEET marks and accordingly, admission shall be given to the petitioner in any of the medical/dental Colleges for the academic year 2019-20. However, such selection and admission to be given to the petitioner shall be provisional, which can be confirmed only after getting due verification about the communal status of the petitioner from the competent authority, after conducting due enquiry in this regard in the manner known to law.

The needful, as indicated above, shall be undertaken forthwith, ie., within a period of three days from the date of receipt of a copy of this order."

41. With these directions, the writ petition is allowed to the terms indicated above. No costs. Consequently connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(AD-II)

// True Copy //

Sub Assistant Registrar(CS)

RR

To

1.The Principal Secretary to Government of Tamil Nadu,  
Department of Medical Education,  
Secretariat, Chennai.

2.The Secretary,  
Medical Council of India,  
Sector 8, Pocket -14, Phase-I,  
Dwarka, New Delhi 110077



3.The Director  
Medical Council of India,  
Sector 8, Pocket -14, Phase-I,  
Dwarka, New Delhi 110077

4.The Medical Counselling Committee (MCC)  
Government of India,  
Directorate of General Health Services,  
Ministry of Health & Family Welfare,  
Nirman Bhavan,  
New Delhi

5.The Secretary,  
Selection Committee  
Directorate of Medical Education,  
No.162 Periyar EVR High Road, Kilpauk, Chennai

+4CC TO MR.G.ARAVINTHAN, Advocate Sr. No.77809  
+1CC TO THE SPECIAL GOVERNMENT PLEADER SR.No.76865

**Pre Delivery order made in**  
**W.P. (MD) No.15978 of 2019**  
**and W.M.P. (MD) Nos.12680 and 12681 of 2019**  
**26.07.2019**

NS (CO)  
TR (26.07.2019) 13P 11C