

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.09.2020

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.8588 of 2020

Mr.Rahul Davis,
S/o.Mr.Davis.C.A.

... Petitioner

Vs.

1.Sree Balaji Medical College and Hospital,
rep. by its Vice Chancellor,
No.7, Works Road, New Colony,
Chrompet,
Chennai 600 044.

2.The Superintendent of Police,
Crime Branch CID,
Egmore, Chennai 600 008.

3.The Inspector of Police,
CBCID, Theni District.

(R3 suo motu impleaded vide order
dated 28/8/2020 made in WP.No.8588/2020
by NAVJ)

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India,
seeking Writ of Mandamus, directing the 1st and 2nd respondent to issue

the Clearance Certificate or any other appropriate document permitting/directing the 1st respondent to return the original certificate which were produced during MBBS admission with 1st respondent and pass orders.

For Petitioner : Ms.M.F.Shabana

For Respondents : Mr.K.Suresh, for R1.

Mr.E.Balamurugan, for RR2 & 3
Special Government Pleader.

ORDER

This Writ Petition has been filed for the issue of Writ of Mandamus directing the first respondent College to handover the original certificates to the petitioner which was submitted to the College at the time of admission into MBBS course.

2.It is seen from records that a criminal case is under investigation by the third respondent which pertains to the alleged impersonation that was made at the time of NEET entrance examination.

In the course of investigation, the 3rd respondent has seized nearly 10 documents pertaining to the petitioner, from the first respondent college and the same has also been handed over before the concerned Court.

3.The case of the petitioner is that the original certificates of the petitioner viz.,the 10th and 12th standard mark sheets that was handed over to the first respondent College was not seized by the third respondent Police in the course of investigation. The learned counsel submitted that insofar as other accused persons are concerned, even those mark sheets were seized and produced before Court. Subsequently, this Court had directed the return of those mark sheets (documents) while passing orders in Crl.O.P.(Md.) No.7698 of 2020 dated 07.09.2020. The learned counsel submitted that the petitioner will produce these original mark sheets as and when required by the third respondent Police in the course of investigation.

4.The learned counsel appearing on behalf of the first respondent College submitted that the College will abide by any

directions issued by this Court.

5.Mr.E.Balamurugan, learned Special Government Pleader appearing on behalf of the second and third respondents circulated the written instructions received by him from the third respondent. On a careful perusal of the written instructions, it is seen that the third respondent has opposed the release of any documents to the petitioner. The learned Special Government Pleader submitted that the investigation is pending and the impersonators and many of the brokers are still absconding and therefore there are chances of these documents being misused by the petitioner which will ultimately hamper the progress of the investigation.

6.This Court has carefully considered the submissions made on either side and the materials available on record.

7.A careful perusal of the written instructions received by the Special Government Pleader reveals the fact that totally ten documents

pertaining to the petitioner has been seized in the course of investigation. The petitioner is not asking for the return of any of those documents. According to the petitioner, the original 10th and 12th standard mark sheets remains with the first respondent College and the same should be returned to the petitioner. Admittedly, these documents were not seized by the third respondent in the course of the investigation.

8.In the case of another co-accused from whom even the 10th and 12th standard mark sheets were seized by third respondent Police, this Court passed an order dated 07.09.2020 directing to return those documents to the concerned accused person.

9.Taking into consideration the facts and circumstances of the case and also of the fact that the relevant documents were released insofar as the co-accused is concerned, there shall be a direction to the first respondent College to handover the original 10th and 12th standard mark sheets to the petitioner. The petitioner shall give a sworn affidavit before the first respondent College to the effect that the original mark

sheets will be produced as and when required by the third respondent Police during the course of investigation. The first respondent shall handover the certificates after receiving this affidavit. The first respondent College shall thereafter handover this affidavit to the third respondent.

10.This Writ Petition is disposed of with the above directions.

No costs.

16.09.2020

Internet:Yes.
Rm

To

1.The Vice Chancellor,
Sree Balaji Medical College and Hospital,
No.7, Works Road, New Colony,
Chrompet,
Chennai 600 044.

2.The Superintendent of Police,
Crime Branch CID,
Egmore, Chennai 600 008.

3.The Inspector of Police,
CBCID, Theni District.

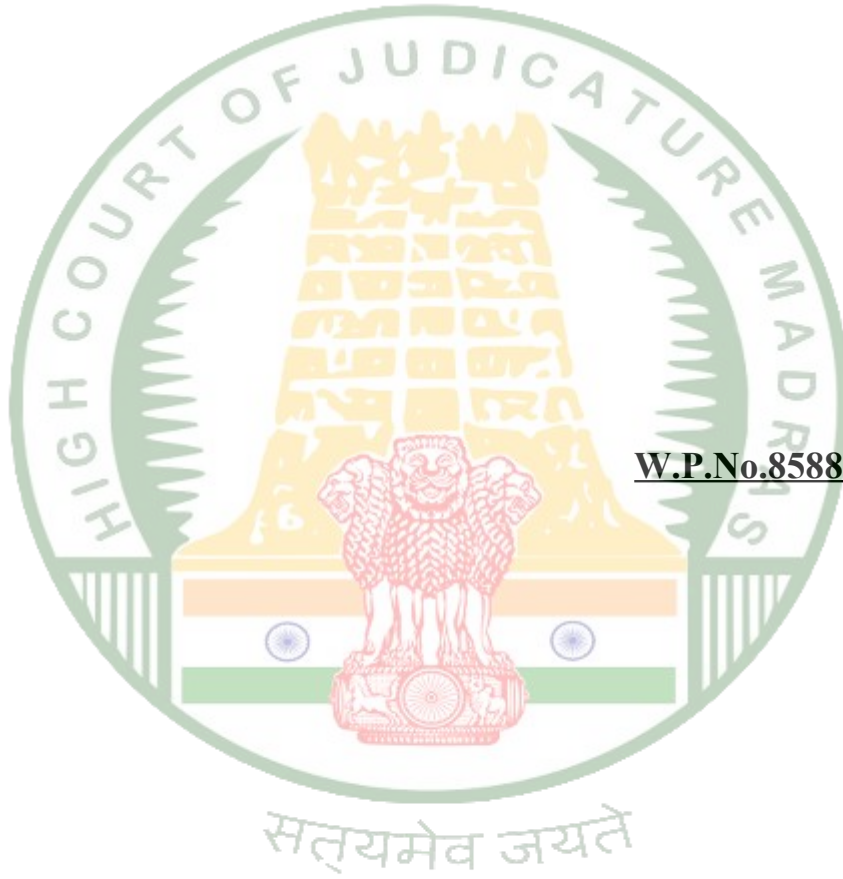
4.The Public Prosecutor,
High Court, Madras.



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N.ANAND VENKATESH, J.,

rm



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