



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Date: 26.05.2021

Coram::

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

W.P.No.12128 of 2021
& W.M.P.Nos.12897 & 12898 of 2021

K. Magesh,
S/o.Late Mr. Kandhasamy,
No.1, Valluvar Street (Extention),
Arumbakkam, Chennai - 106. ... Petitioner

/versus/

1. The President,
Tamil Nadu Medical Council,
New No.914, Poonamallee High Road,
Arumbakkam, Chennai - 600 106.
2. The Registrar,
Tamil Nadu Medical Council,
New No.914, Poonamallee High Road,
Arumbakkam, Chennai - 600 106.
3. The Director,
Department of the Government Examinations,
Chennai - 600 006. ... Respondents

Prayer: Writ Petition has been filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned communication of the 2nd respondent dated 19.05.2021 vide Reference No.TNMC/T.No.24/2021, quash the same and consequently direct the 2nd respondent to furnish all the particulars requested by the petitioner in his representation dated 05.05.2021 by considering the same and to pass suitable order.

For Petitioner : Mr.D.R.Arun Kumar

For R1 & R2 : Mr.A.Maheshnath,
for Mr.G.Sankaran

O R D E R

(The case has been heard through video conference)

Heard the Learned Counsel for the Petitioner and the Learned Counsel for the respondents 1 & 2.

2. This writ petition is filed seeking Writ of Certiorari to Mandamus to call for the records of the 2nd respondent dated 19.05.2021 and quash the same.

3. The sum and substance of the case is that, the petitioner herein who is now under suspension was serving as Assistant Registrar in Tamil Nadu Medical Council. When certificate verification of the staff working in Tamil Nadu Medical Council was conducted, the petitioner was not able to produce his basic S.S.L.C certificate and highest qualification certificate i.e., B.A. (incomplete). Thereafter, charge memo was issued to the petitioner on 01.04.2021 not been satisfied with his reasonings, the impugned communication of the 2nd respondent dated 19.05.2021 has been issued to the petitioner herein fixing 31.05.2021 as last date for submitting his written submission and the petitioner failed to submit his written submission within the said period, it will be presumed that he has attempted and no explanation opted.

4. The grievous of the petitioner herein is that, he has lost his S.S.L.C certificate and he is making all his attempts to get a duplicate S.S.L.C certificate from the concerned authority, who is the 3rd respondent herein. Further, due to calamity in his family, who is not in a possession to give his explanation immediately and also stated that to give complete explanation, he need certain documents which he has sought from the 1st respondent vide letter dated 12.04.2021 and same not been furnished to him.

5. The Learned Counsel appearing for the Tamil Nadu Medical Council would submit that the petitioner has failed to produce his basic qualification certificate and also he has misconduct himself, hence the charges. Instead of participating in the enquiry proceedings, he has sought for certain documents which are not relevant for the enquiry. What are all documents relied by the respondents are already furnished to the petitioner.

6. After considering the rival submission, this Court finds that due to current Covid-19 situation and the other difficulties expressed by the petitioner herein in getting his S.S.L.C certificate from the 3rd respondent, the last date to submit his written submission has to be extended so as to give him fair opportunity to defend his case. At the same time, the

document which are sought by the petitioner herein vide letter dated 12.04.2021, whether it is relevant or not, it is for the delinquent to decide and not the management. Therefore, whatever documents sought by the petitioner has to be permitted for perusal by the petitioner, provided it is available with the 1st respondent. With this observation, the time fixed by the 2nd respondent/Registrar, Tamil Nadu Medical Council under impugned communication dated 19.05.2021 is extended upto 30.06.2021. Meanwhile, the petitioner herein shall submit his written submission and thereafter, once written submission is made, the 2nd respondent shall proceed with the enquiry and complete it within 60 days from the date of commencement.

7. With these directions, the Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(VO)

//True Copy//

Sub Assistant Registrar

bsm

To:-

1. The President,
Tamil Nadu Medical Council,
New No.914, Poonamallee High Road,
Arumbakkam, Chennai - 600 106.
2. The Registrar,
Tamil Nadu Medical Council,
New No.914, Poonamallee High Road,
Arumbakkam, Chennai - 600 106.
3. The Director,
Department of the Government Examinations,
Chennai - 600 006.

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JPL (CO)
CB(03/06/2021)