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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.09.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

WRIT PETITION NO.17050 OF 2021

AND

W.M.P.NOS.18082 OF 2021

K.Vasanth

... Petitioner

-Vs-

1. The Controller of Examination,
Tamilnadu Dr.MGR Medical University,
No.69, Anna Salai,
Guindy, Chennai - 32.
2. The Registrar,
Tamilnadu Dr.MGR Medical University,
No.69, Anna Salai,
Guindy, Chennai - 600 032.
3. The Dean,
Velammal Medical College and Hospital
Research Institute,
Madurai.

... Respondents

PRAYER:- Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of mandamus or any other appropriate writ, order or directing the respondents to issue Provisional Pass Certificate-I, Provisional Pass Certificate-II, Provisional Degree Certificate, Course Completion Certificate, Transfer Certificate, Posting Completion Certificate, Degree Certificate, Attempt Certificate and Migration Certificate and all other ancillary certificate to the petitioner to the effect that he has successfully completed the MBBS Course.

For Petitioner : Mr.V.Vijay Shankar

For Respondents : Mr.Wilson
Standing Counsel
For R-1, R-2

Mr.S.A.Gandhi for R-3



O R D E R

This writ petition has been filed for the issue of a writ of Mandamus directing the respondents to issue all the certificates pertaining to the completion of M.B.B.S. course by the petitioner within the time limit prescribed by this Court.

2. The case of the petitioner is that, he was selected for the MBBS Course and was admitted in the third respondent college during June 2015. The petitioner was admitted under the Scheduled Tribe quota based on the community certificate that was issued to him.

3. The petitioner has completed the MBBS Course and he was admitted to the House Surgency during June 2020 and he has completed the C.R.R.I. Training also during the end of May 2021. The grievance of the petitioner is that, the respondents have not issued the certificates in spite of the petitioner completing the MBBS Course as well as the House Surgency. Aggrieved by the same, the present writ petition has been filed seeking for appropriate directions.

4. Heard Mr.V.Vijay Shankar, learned counsel for the petitioner, Mr.Wilson, learned Standing Counsel appearing for respondents 1 and 2 and Mr.S.A.Gandhi, learned counsel appearing for the third respondent.

5. The only issue that arises for consideration in the present writ petition is as to whether the respondents will have to be directed to issue the certificates to the petitioner since the petitioner has already completed the MBBS Course and the House Surgency, in order to enable the petitioner to register before the Tamil Nadu Medical Council and also to enable the petitioner to proceed further with higher education.

6. It is an undisputed fact that a community certificate has been issued to the petitioner by the Revenue Divisional Officer, Mettur to the effect that, the petitioner belongs to Hindu Konda Reddi community which is a Scheduled Tribe community. This Certificate remains to be valid till date and it has not been cancelled. The petitioner had earlier approached this Court and filed W.P.(MD) No.11409 of 2018 to forbear the respondents from disturbing the petitioner in pursuing with his studies in the third respondent college and to allow the petitioner to complete the course. While disposing of this writ petition by an order dated 30.09.2020, this Court took into consideration the entire facts of the case and the relevant portion in the order is extracted hereunder.



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"19. Considering the facts and circumstances of the case and taking into consideration the submissions made by either side, the following order is passed.

- (i) Since the writ petitioner has produced the Community Certificate before the third respondent College, the third respondent college has to forward the same to the State Level Scrutinizing Committee for verification.
- (ii) It is open to the Secretary to the Government, Health Department, Chennai to initiate action against the respondents 1 to 3 for non filing of the counter affidavit.
- (iii) The respondents 1 and 3 are directed to pay a sum of Rs.3,000/- to the Chief Minister's Relief Fund, COVID-19 within a period of two weeks from the date of receipt of a copy of this order."

7. It is clear from the above order that, a direction was given to the third respondent college to forward the community certificate of the petitioner to the State Level Scrutinizing Committee for verification and it is informed that the community certificate has also been forwarded to the Committee. The same is pending before the Committee. In the meantime, the petitioner has completed the House Surgency and has approached this Court seeking for a direction to the respondents to issue the certificates, since the petitioner has completed the MBBS Course and also House Surgency.

8. It is now a well settled law that, a community certificate issued by a competent authority continues to be a valid document till it is cancelled by the appropriate authority. The contents that are found in the community certificate will have to be treated as correct and it has to be acted upon till it is cancelled by the competent authority. In the present case, the community certificate has been issued to the petitioner by a competent authority and it has been referred to the State Level Committee for scrutiny and it is pending. Till the Committee takes a final decision one way or the other, the certificate issued to the petitioner must be considered to be valid and hence, the petitioner will be entitled for all the benefits that are derived out of the community certificate.



9. The learned counsel for the petitioner brought to the notice of this Court a series of judgments in this regard, wherein this Court, following the judgment of the Supreme Court, had taken a consistent view that the certificates will have to be issued to the candidate after completion of the course and that will be subject to the final decision which will be taken by the competent authority to whom the community certificate has been sent for scrutiny.

10. In view of the above discussion, there shall be a direction to the respondents to hand over all the certificates to the petitioner who has already completed the MBBS course as well as House Surgency, within a period of two weeks from the date of receipt of a copy of this order. It is made clear that, in the event the community certificate given to the petitioner, which is now under verification, is found to be invalid, the consequences will follow and it will be always open to the respondents to act in accordance with law.

11. With the above directions, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

KST

To

1. The Controller of Examination,
Tamilnadu Dr.MGR Medical University,
No.69, Anna Salai,
Guindy,
Chennai - 32 and 2 others.
2. The Registrar,
Tamilnadu Dr.MGR Medical University,
No.69, Anna Salai,
Guindy,
Chennai - 600 032.



3. The Dean,
Velammal Medical College and Hospital
Research Institute,
Madurai.

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+1cc to Mr.V.Vijay Shankar, Advocate, S.R.No.45167

W.P.NO.17050 OF 2021 &
WMP NO.18082 OF 2021

SR(CO)
PBS/22/09/2021