



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.01.2022

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.NO.1260 OF 2022

AND

W.M.P.NO.1365 OF 2022

V.Pavithra

...Petitioner

-Vs-

1.The Registrar,
Tamil Nadu Dr. MGR Medical University,
Guindy, Chennai-600 032.

2.The Controller of Examinations,
Tamil Nadu Dr. MGR Medical University,
Guindy, Chennai-600 032.

3.Government Villupuram Medical College and Hospital,
Villupuram-605 601,
Rep. by its Dean.

4.The Collector,
Dharmapuri, Dharmapuri District.

5.The Revenue Divisional Officer,
Harur, Dharmapuri District.

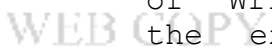
...Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents 1 to 3 to accept the examination fee from the petitioner and permit the petitioner to appear for the 1st year MBBS Examinations to be held from 01.02.2022 and to publish the results and continue her study without any hindrance.

For Petitioner : Mr.S.Doraiswamy
for V.Elangovan

For Respondents R1 to R3 : Mr.D.Ravichandran
Special Government Pleader

For Respondents R4 & R5 : Mrs.C.Sangamithirai
Special Government Pleader





4. The learned counsel for the petitioner submits that based on the Community certificate obtained by the petitioner's parents, the petitioner filed an application for community certificate and the same is pending before the 4th respondent. Though the petitioner's parents are having valid community certificate stating that they belong to Kurumans community, the petitioner is not issued with the community certificate by the 4th respondent which is not acceptable. He further submitted that, in the meanwhile, the petitioner got admitted in the 3rd respondent college in the light of the order of this Court dated 11.11.2020 without insisting upon the community certificate. While such being the situation, restricting the petitioner to appear for the 1st year MBBS examination that is to be held on 01.02.2022 on the ground that the petitioner has not produced the community certificate is not sustainable one. Hence, he submitted that, it would suffice, if this Court issues direction to the respondents 1 to 3 to accept the examination fee from the petitioner and to permit her to appear for the 1st year MBBS examination that is to be held from 01.02.2022.

5. The learned counsel appearing for the respondents 1 to 3 submitted that, the petitioner does not possess any valid certificate to prove her community and in the absence of any certificate to show that the petitioner belong to Kurumans community permitting her to write the examination will affect the interest of the respondents. Hence, he prays for dismissal of this Writ petition.

6. Heard the arguments advanced by the learned counsel on either side.

7. The facts in the present case are not in dispute. Admittedly, the petitioner's father and mother both possess valid community certificates and till date their community certificates were not cancelled. Equally, the petitioner has not obtained the community certificate from the competent authority and the same is pending before the 4th respondent. However, in the mean while, the petitioner got admitted in the 3rd respondent college, whileso, not permitting the petitioner to appear in the MBBS examinations that is to be held from 01.02.2022 is not sustainable. The non-consideration of the application of the petitioner by the concerned respondent / 4th respondent cannot be put against the petitioner. Hence, this Court issues direction to the respondents 1 to 3 to permit the petitioner to pay the fees and to appear in the examination to be held from 01.02.2022 by accepting the examination fee from the petitioner. However, the result shall not published and it should be published only after the issuance of community certificate and it is made clear that the petitioner cannot claim equity on the basis of this order for appearing in examination in future.



8.This Writ Petition is disposed of with the aforesaid direction. No costs. Consequently, connected Miscellaneous petition is closed.

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Sd/-
Assistant Registrar (CS-VII)

// True Copy //

Sub Assistant Registrar

skt

To

- 1.The Registrar,
Tamil Nadu Dr. MGR Medical University,
Guindy, Chennai-600 032.
- 2.The Controller of Examinations,
Tamil Nadu Dr. MGR Medical University,
Guindy, Chennai-600 032.
- 3.The Dean,
Government Villupuram Medical College and Hospital,
Villupuram-605 601,
- 4.The Collector,
Dharmapuri,
Dharmapuri District.
- 5.The Revenue Divisional Officer,
Harur, Dharmapuri District.

+1cc to Mr.S.Doraiswamy, Advocate Sr.No.4830

+1cc to the Government Pleader Sr.No.5148 (01/06/2022)

W.P.No.1260 of 2022
and
W.M.P.No.1365 of 2022

KK(CO)
RVM(27/01/2022)