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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.03.2022

CORAM

THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P.No.6872 of 2019

K.Jayapandi

...Petitioner

Vs

1. The Director,  
Directorate of Vigilance and Anti Corruption (DV AC),  
No.293, MKN Road,  
Alandur, Chennai - 600 016.

2. The Registrar,  
Annamalai University,  
Chidambaram,  
Cuddalore District.

3. J.Goutham Munot

4. C.Martindevaprasath

5. T.Selvaraj

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 2<sup>nd</sup> respondent to take necessary action on the Petitioner's Representation dated 12.10.2018 forwarded to him by the 1<sup>st</sup> respondent vide his proceedings in Petn.No.10375/2018/Edn/C1 dated 23.10.2018.

For Petitioner : P.Banuprasath

For Respondents : Mr.K.M.Vijayan for  
Mr.Vijaya Associates for R5  
Mr.TNC.Kaushik AGP for R1  
Mr.K.Sathish Kumar for R2

O R D E R

The petitioner has sought a mandamus directing the second respondent, the Registrar, Annamalai University, to take necessary action upon his representation dated 12.10.2018



forwarded to him by the first respondent, The Director, Directorate of Vigilance and Anti Corruption (DVAC), vide proceedings dated 23.10.2018, within a stipulated time frame.

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2. The petitioner claims to have been lured into enrolling for, and joining the MBBS course at Annamalai University by the private respondents, arrayed as R3 to R5 upon the promise made by the private respondents i.e., J.Goutham Munot, C.Martindevaprasath and T.Selvaraj/R3 to R5. The petitioner claims to have paid substantial sums of money to the private respondents for an MBBS seat in Annamalai University. According to him, he attended the course for 4 ½ years, sat for examinations and was issued mark sheets and course completion certificates, as though he completed the course between the academic years 2001-06. Based on the same, he has been practicing allopathy.

3. However, when he sought the issuance of a genuineness certificate, such certificate was issued under the auspices of the Controller of Examination, Annamalai University. The private respondents also issued a certificate to the effect that the petitioner had enrolled with Tamil Nadu Medical Council and Medical Council of India. All the certificates were provided to the petitioner by the private respondents.

4. While this is so, there was an inspection by the District Medical Officer of his clinic on 13.10.2017 and he was asked to produce certification in support of his medical practice. Upon verifying the certificates produced by the petitioner, the officials declared the same be forged. The petitioner claims to have been taken aback and upon contacting the private respondents, alleges that he has been unable to obtain a proper or acceptable response from them. Hence, this Writ Petition, seeking necessary action upon his representation by the official respondents.

5. Mr.Kaushik, who has accepted notice for R1 on 15.03.2022, was asked to ascertain the stage of enquiry as against the private respondents, since he had conveyed on oral instructions, that FIRs had been filed against the private respondents. Today, he reports that the enquiry is on-going and that the matter has been handed over to the CBCID, Nagapattinam in Crime Nos.171 of 2018 and 12 of 2019. This would assuage the apprehension of the petitioner in regard to the acts of omission and commission by the private respondents.



6. Learned counsel for R5, on his part would submit that the petitioner has filed a Writ Petition in W.P.(MD) No.1956 of 2018 before the Madurai Bench of the Madras High Court which had come to be dismissed on 19.11.2020. In that Writ Petition a mandamus was sought directing the third respondent therein to remove lock and seal that has been laid upon the door of the petitioner's clinic. A report had been filed by the respondents therein bringing to the notice of the Court the fact that the petitioner's certificates were bogus and taking note of the same, that Writ Petition came to be dismissed by a learned single Judge declaring that doctors holding bogus certificates must not be allowed to engage in the practice of medicine.

7. Recording the aforesaid sordid saga and directing the official respondents to conduct and complete the enquiry as expeditiously as possible, this Writ Petition is dismissed. No costs.

Sd/-  
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

s1

To

1. The Director,  
Directorate of Vigilance and Anti Corruption (DV AC),  
No.293, MKN Road,  
Alandur, Chennai - 600 016.
2. The Registrar,  
Annamalai University,  
Chidambaram, Cuddalore District.

+1cc to Mr.Vijaya Associates, Advocate, S.R.No.20999  
+1cc to Mr.K.Gandhi Kumar, Advocate, S.R.No.21113  
+1cc to the Government Pleader, S.R.No.21755

W.P.No.6872 of 2019

RK[co]  
NSK 25/04/2022