



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.08.2022

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

**W.P.No.11407 of 2022 &
W.M.P.Nos.10939, 10941 & 10943 of 2022**

Samuel Raja

... Petitioner

VS.

- 1.The State of Tamil Nadu,
Rep. by its Secretary,
Department of Health and Family Welfare,
Fort St. George, Chennai – 600 009.
- 2.The Director of Medical Education,
College Road, Chennai – 600 006.
- 3.The Additional Director of Medical Education,
Chennai Region,
Chennai – 600 015.
- 4.The Secretary,
The Selection Committee,
Directorate of Medical Education,
Kilpauk, Chennai – 600 010.
- 5.The Tamil Nadu Dr.MGR University,
Rep. by its Registrar,
No.69, Anna Salai, Guindy,
Chennai – 600 032.



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6. The Principal,
Madha Medical College and Hospital,
Kundrathur Main Road,
Kovur, Chennai – 600 122.

7. The Director,
NEET Examination,
Shiksha Kendra, 2 Community Centre,
Preet Vihar, Delhi – 110 092.
...Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India for writ of Mandamus directing the respondents to permit the petitioner to join the MBBS Course for the Session 2021-2022 in the sixth respondent college based on the seat allotted to him in the extended mop-up counselling vide allotment order dated 08.04.2022 of the fourth respondent Selection Committee under the management quota or any other vacant seat under the management quota.

(Prayer amended vide order dated 07.06.2022 made in W.M.P.No.12095 of 2022 in W.P.No.11407 of 2022)

For Petitioner	: Ms.Abisha Isaac for M/s.Isaac Chambers
For Respondents 1 to 3	: Mr.K.H.Ravikumar Government Advocate
For Respondent 4	: Ms.Sneha, Standing Counsel
For Respondent 5	: Mr.Imayavarman
For Respondent 6	: Mr.P.Wilson Associates



ORDER

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This writ petition has been filed for a mandamus seeking for a direction to the respondents to permit the petitioner to join the MBBS Course for the Session 2021-2022 in the sixth respondent college based on the seat allotted to him in the extended mop-up counseling vide allotment order dated 08.04.2022 of the fourth respondent Selection Committee under the management quota or any other vacant seat under the management quota.

2. Heard Ms.Abisha Isaac, learned counsel for the petitioner, Mr.K.H.Ravikumar, learned Government Advocate appearing for the respondents 1 to 3, Ms.Sneha, learned Standing Counsel appearing for the fourth respondent, Mr.Imayavarman, learned counsel appearing for the fifth respondent and M/s.P.Wilson Associates, learned counsel appearing for the sixth respondent.

3. The petitioner was selected for admission into MBBS Course in the sixth respondent college under the management quota for the session 2021-



2022 after the extended mop-up counseling conducted by the fourth respondent Selection Committee. The petitioner was issued an allotment order to join the sixth respondent college on 08.04.2022. The petitioner had earlier joined a medical college in Bangladesh and it is the contention of the petitioner that the original certificates were submitted to the said institution in Bangladesh and therefore, on the date of issuance of allotment order ie., on 08.04.2022, the petitioner was not in possession of the original certificates. Hence, the petitioner had given an undertaking to the sixth respondent college on 09.04.2022 that he will produce the original certificate as soon as possible. Since the original certificates were not produced by the petitioner, the sixth respondent college has allotted the seat to another student.

4. The respondents have also contended in this writ petition that the deadline fixed pursuant to the directions given by the Hon'ble Supreme Court for finalising the admission is 28.04.2022.

5. Learned counsel for the petitioner as well as the learned counsel for the sixth respondent have filed their respective written statements.



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6. One of the contentions of the petitioner in this writ petition is that only due to the delay in receiving the certificates from Bangladesh where he had earlier obtained admission, he could not submit the same with the sixth respondent college. This Court during the course of hearing on 27.07.2022 directed the petitioner to produce proof to show that only due to the delay in getting the original certificates back from Bangladesh Medical College, the petitioner could not submit the certificates /documents to the sixth respondent college.

7. Today, the learned counsel for the petitioner fairly submits that the certificates were received by the petitioner from Bangladesh medical college only on 23.04.2022. Further the receipt of the letter of undertaking dated 09.04.2022 is also disputed by the sixth respondent college as seen from the counter affidavit filed before this Court. The submission of the certificates is mandatory for getting admission into any medical college by any student. Having not submitted the certificate on time s as per the requirements of the sixth respondent college, the petitioner cannot as a matter of right seek admission and join the said college. When the deadline has already been



fixed by the Hon'ble Supreme Court as 28.04.2022 for completion of admission, the question of admitting a student beyond the said deadline will not arise.

8. Even presuming that an undertaking was given by the petitioner on 09.04.2022 to the sixth respondent college stating that he shall submit the certificate expeditiously, admittedly, even according to the petitioner, the certificates were available with him in Chennai only on 23.04.2022. As per the requirements of the fourth respondent Selection Committee, on issuance of the allotment order dated 08.04.2022 granting admission to any student, the maximum time limit, they can wait for submission of the original certificates from the selected students is only one week from the date of receipt of the allotment order by the petitioner. In the instant case, the petitioner has admittedly received the allotment order on 08.04.2022. Therefore, the period of one week for submission of the documents/certificates will start from 11.04.2022, since 09.04.2022 and 10.04.2022 fall on public holidays being saturday and sunday. Even if the said fact is admitted, the deadline expires on 18.04.2022. Admittedly, the original certificates were received by the petitioner from Bangladesh medical



college at Chenani only on 23.04.2022 ie., beyond 18.04.2022 which is the deadline for submission of the certificates/documents by the petitioner.

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9. For the foregoing reasons, this Court does not find any merit in this writ petition. Accordingly, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

24.08.2022

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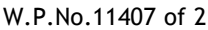
Index:Yes/No

Internet:Yes/No

Speaking/Non-speaking orders

ABDUL QUDDHOSE, J.

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