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W.P.No.29824 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.11.2022

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P.No.29824 of 2022

Dr.S.Bharath

Vs

... Petitioner

1.The Controller of Examination,
The Tamil Nadu Dr.M.G.R. Medical University,
No.69, Anna Salai, Guindy,
Chennai – 600 032.

2.The Registrar,
The Tamil Nadu Dr. M.G.R. Medical University
No.69, Anna Salai, Guindy,
Chennai – 600 032.

3.The Dean,
Government Medical College,
Omandurar Government Estate,
Chennai – 600 002.

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondent to return the original certificates of the petitioner collected by the 3rd respondent at the time of his admission and issue the 1.TNMGR Provisional Pass Certificate-1, 2.TNMGR Provisional Pass Certificate-II, 3.TNMGR Provisional Degree Certificate, 4.Course Completion Certificate, 5.Posting Completion Certificate, 6.Transfer Certificate, 7.Attempt Certificate, 8.Migration Certificate, 9.Degree Certificate and all other ancillary certificate.



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For Petitioner : Mr.N.Naganathan

For Respondent : Mr.S.Wilson, Standing Counsel

: Mr.U.M.Ravichandran
Special Government Advocate

ORDER

The prayer sought for herein is for a writ of mandamus directing the respondent to return the original certificates of the petitioner collected by the 3rd respondent at the time of his admission and issue the 1.TNMGR Provisional Pass Certificate-1, 2.TNMGR Provisional Pass Certificate-II, 3.TNMGR Provisional Degree Certificate, 4.Course Completion Certificate, 5.Posting Completion Certificate, 6.Transfer Certificate, 7.Attempt Certificate, 8.Migration Certificate, 9.Degree Certificate and all other ancillary certificate.

2. The petitioner belongs to a ST community, in that strength he obtained a community certificate from the concerned authority and based on that strength, he was selected and admitted in the 3rd respondent College for the MBBS degree course during the year 2016-2017.

3. He had completed the course in 2021 including the House Surgeon



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by May 2022.

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4. In the meanwhile, at the time of admission of the course after admitting the petitioner, it seems that the respondents i.e. the 3rd respondent had forwarded the community certificate of the petitioner to the State Level Scrutiny Committee to get a report as to the genuinity of the certificate issued to the petitioner, that issue is still pending with the State Level Scrutiny Committee.

5. In view of the pendency of that issue before the State Level Scrutiny Committee, now it seems that, the 3rd respondent has not given the other original certificates which are to be given back to the petitioner and therefore in order to get those certificates to pursue his further studies and to exploit his further opportunities, the petitioner has moved this Court by filing the present writ petition.

6. The learned counsel appearing for the petitioner would submit that, the State Level Scrutiny Committee to whom the community certificate of the petitioner has been referred has not so far issued any summons to the



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petitioner and once the petitioner is received any summons, he is ready and willing to cooperate with the enquiry if any conducted by such State Level Scrutiny Committee to come to a conclusion as to the genuinity of the community certificate of the petitioner. However, the pendency of that enquiry before the State Level Scrutiny Committee would not stand in the way for the 3rd respondent to release the original certificates to the petitioner, hence he seeks indulgence of this Court.

7. Heard Mr.U.M.Ravichandran, learned Special Government Pleader appearing for the 3rd respondent who would submit that, since the genuinity of the community certificate has been referred to the State Level Scrutiny Committee the issue is pending, unless and until the enquiry is completed and decided, the petitioner may not be entitled to get the certificates and once the certificates are given to the petitioner, then the Institute and other respondents may not have a clutch over the petitioner as his studies at the 3rd respondent Institute itself is questioned now as it depends upon the outcome of the decision to be made by the State Level Scrutiny Committee on the community certificate.

8. I have considered the said submissions made by the learned counsel



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for the parties and have perused the materials placed before this Court.

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9. In fact, in a similar circumstances, a learned Judge of this Court in W.P.No.17142 of 2021 dated 22.08.2022 in the matter of S.Vivithashree Vs. The Registrar, Annamalai University, Annamalai Nagar, has considered the said aspect and passed orders which reads thus:

“8. Accordingly, the respondents 1 to 3 are directed to issue the certificates as prayed for in this writ petition, within a period of two weeks from the date of receipt of a copy of this order. However, it is made clear that the issuance of the said certificates will be subject to the enquiry report to be submitted by the 4th respondent viz., State Level Scrutiny Committee – III with regard to the genuineness of the community certificate submitted by the petitioner.”

10. In the present case also, merely because the enquiry is pending before the State Level Scrutiny Committee regarding the genuinity of the community certificate of the petitioner, that would not preclude the petitioner from getting his other original certificates. Therefore, this Court feels that a direction can be given to the 3rd respondent to release such certificates of course subject to the outcome of the decision to be made by the State Level Scrutiny Committee.

11. In that view of the matter, this Court is inclined to dispose of this



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writ petition with the following orders:

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That there shall be a direction to the 3rd respondent to release all the original certificates, which are mentioned in the prayer, belongs to the petitioner, within a period of one week from the date of receipt of a copy of this order. However, the issuance of such certificates will be subject to the outcome of the enquiry report to be made by the State Level Scrutiny Committee before whom the ST community certificate belongs to the petitioner has already been referred by the 3rd respondent to assess the genuinity of the same.

12. With these directions, this Writ Petition is disposed of. No costs.

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Index : Yes / No

Speaking Order: Yes / No

Sgl



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R. SURESH KUMAR, J.

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