



W.P.No.22741 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.09.2023

CORAM

THE HONOURABLE Mrs. JUSTICE J.NISHA BANU
AND
THE HONOURABLE Mrs.JUSTICE N.MALA

W.P.No.22741 of 2023
and
W.M.P.No.22189 of 2023

K.Srimathi
D/o M.Krishnan

... Petitioner

VS

1. The Controller of Examination,
Tamilnadu Dr.MGR Medical University,
No.69, Anna Salai, Guindy,
Chennai - 600 032.
2. The Registrar,
Tamilnadu Dr.MGR Medical University,
No.69, Anna Salai, Guindy,
Chennai - 600 032.
3. The Dean,
Government Medical College & ESIC Hospital,
Coimbatore - 15.09.2023
4. The Revenue Divisional Officer,
Dharmapuri,
Dharmapuri District.

..Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the respondents 1 to 3 to issue Provisional Pass Certificate-II, Provisional degree Certificate, Course Completion Certificate, Transfer Certificate, Posting Completion Certificate, Degree Certificate, 10th and 12th Mark Sheet and Community Certificate to the petitioner to the effect that she has successfully completed the MBBS Course without waiting for the report from the state Level Scrutiny Committee as per the dictum laid down by the Hon'ble Supreme Court in the matter of Dayaram case reported in 2011 (6) CTS 192 and J.Chitra Vs District Collector, chairman reported in 2021(9) SCC 811 that the Kurumans (ST) Community certificate was issued by the 4th respondent after due and proper enquiry to the petitioner which is not required further verification by the State Level Scrutiny Committee.

For Petitioner : Mr.S.Doraiswamy

For Respondents : Mr.R.Imayavaramban
for M/s.Ramalingam Associates
for R1 & R2
Mr.E.Vijayanand,
Additional Government Pleader
for R3 & R4



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ORDER

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(The Order of the Court was made by J.Nisha Banu,J.)

This Writ Petition has been filed to issue a Writ of Mandamus to direct the respondents 1 to 3 to issue Provisional Pass Certificate-II, Provisional Degree Certificate, Course Completion Certificate, Transfer Certificate, Posting Completion Certificate, Degree Certificate, 10th and 12th Mark Sheet and Community Certificate to the petitioner to the effect that she has successfully completed the MBBS Course without waiting for the report from the State Level Scrutiny Committee as per the dictum laid down by the Hon'ble Supreme Court in the matter of *Dayaram case* reported in 2011 (6) CTS 192 and *J.Chitra Vs District Collector & Chairman* reported in 2021(9) SCC 811 that the Kurumans (ST) Community certificate issued by the 4th respondent after due and proper enquiry to the petitioner would not require further verification by the State Level Scrutiny Committee.

2. The case of the petitioner is that she belongs to 'Kurumans Community' which is classified as Scheduled Tribe community. Her father preferred an application to the RDO, Dharmapuri on 02.04.2015 requesting to issue community certificate to the petitioner and her sister K.Shanmugapriya that they belong to Kurumans(ST) community. Since no



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order was passed, her father filed W.P.No.22505 of 2015 and this Court passed an order on 22.07.20215 directing the RDO, Dharmapuri to conduct enquiry and pass orders within four weeks. However, the RDO rejected their claim on 10.07.2015. Therefore, the petitioner's father filed contempt petition in Cont.P.No.1424 & 1873 of 2016. Pending Contempt Petition, RDO, Dharmapuri, withdrew the rejection order dated 10.07.2015 and agreed to conduct enquiry and pass fresh orders on merits. Therefore, recording the statement of the RDO, the contempt petition was closed and the said RDO was directed to conduct an enquiry in accordance with law and pass orders on or before 16.07.2017. After detailed enquiry, spot verification and verification of documents, the said RDO issued the community certificate on 23.09.2017 that the petitioner belongs to Kurumans (ST) Community. Based on the said certificate the petitioner applied for MBBS course in 2017-2018 and she was also allotted a seat under ST category and she completed the M.B.B.S. course on 03.06.2023. However, the 3rd respondent retained her original certificates stated supra and refused to furnish the same on the ground that her certificate was sent to State Level Scrutiny Committee for verification and report is not received. According to the petitioner, community certificate was issued to her only



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after proper enquiry and verification. Since the certificates were not issued she could not register her name before the 1st respondent thereby her seniority will be affected. Further, she could not pursue her further studies. Hence, the present writ petition is filed with the aforesaid relief.

3. Heard the learned counsel for the petitioner, the learned counsel appearing for the 1st and 2nd respondents and the learned Additional Government Pleader appearing for the 3rd and 4th respondents.

4. Indisputably, the petitioner was admitted to M.B.B.S. Course under ST category and she completed the M.B.B.S. course on 03.06.2023. However, the 3rd respondent retained her original certificates including course completion certificate and decree certificate, CRRI completion certificate, Provisional Certificate(PPC-2), State Medical Council Registration Certificate, 10th and 12th Mark Sheet and Community Certificate and refused to furnish the same on the ground that her certificate was sent to State Level Scrutiny Committee for verification and report is not received. Earlier, when a writ petition in W.P.No.22505 of 2015 was filed, this Court passed an order on 22.07.20215 directing the RDO, Dharmapuri to conduct enquiry and pass orders within four weeks. However, the RDO rejected their claim on 10.07.2015. Therefore, Contempt Petition in



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Cont.P.No.1424 of 2016 was filed. Pending Contempt Petition, RDO, Dharmapuri, withdrew the rejection order dated 10.07.2015 and agreed to conduct enquiry and pass fresh orders on merits. Therefore, recording the statement of the RDO, the contempt petition was closed and the said RDO was directed to conduct an enquiry in accordance with law and pass orders on or before 16.07.2017. After detailed enquiry, spot verification and verification of documents, the said RDO issued the community certificate on 23.09.2017 that the petitioner belongs to Kurumans (ST) Community. Therefore, only on due verification, the community certificate was issued to the petitioner.

5. In identical matters, the High Court and the Hon'ble Apex Court had passed orders stating that if caste certificates are issued after due and proper inquiry, such caste certificates will not call for verification by the scrutiny committee. It would be apt and appropriate to refer to the decision of the Hon'ble Supreme Court in *J.Chitra vs. District Collector and Chairman, State Level Vigilance Committee, Tamilnadu and others* reported in 2021(9) SCC 811 wherein the Hon'ble Supreme Court in paragraph No.8, has held as follows:

"8. In *Dayaram (supra)*, this Court was of the view that



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the Scrutiny Committee is an administrative body which verifies the facts and investigates into claims of caste status. The orders of the Scrutiny committee are open to challenge in proceedings under Article 226 of the constitution of India. It was further held by this Court that permitting civil suits with provisions for appeals and further appeals would defeat the very scheme and will encourage the very evils which this Court wanted to eradicate. It was observed that the entire scheme in Kumari Madhuri Patil (supra) will only continue till the legislature concerned makes an appropriate legislation in regard to verification of claims for caste status as SC/ST. It was made clear that verification of caste certificates issued without prior inquiry would be verified by the Scrutiny Committees. Such of those caste certificates which were issued after due and proper inquiry need not to be verified by the scrutiny Committees."

A careful reading of the above judgment would go to show that the caste certificates which were issued after due and proper inquiry need not to be verified by the Scrutiny Committees.

6. In the given facts and circumstances of the case, the community certificate was issued to the petitioner by the RDO, Dharmapuri after due verification on 23.08.2017 and on that basis she was admitted to the M.B.B.S. course in 2017-2018 in the 3rd respondent College under ST



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category and completed the said course on 03.06.2023. Therefore, the petitioner cannot be deprived of getting her professional degree by retaining the original certificates including course completion certificate and degree certificate, CRRI completion certificate, provisional certificate etc. by the respondents, curtailing the benefits of such course. Therefore, the respondents 1 to 3 are directed to issue the Provisional Pass Certificate-II, Provisional degree Certificate, Course Completion Certificate, Transfer Certificate, Posting Completion Certificate, Degree Certificate, 10th and 12th Mark Sheet and Community Certificate to the petitioner within a period of two weeks from the date of receipt of a copy of this order. Accordingly, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

(J.N.B.,J.) (N.M.,J.)
19.09.2023

Index: Yes/No
Speaking/Non-speaking order
vsi

Note: Issue order copy on 20.09.2023

To



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