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W.P.No.29001 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.10.2023

CORAM :

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P.No.29001 of 2023
and
W.M.P.No.28571 of 2023

B.SHANJALYA

.. Petitioner

VS

THE SELECTION COMMITTEE
DIRECTORATE OF MEDICAL EDUCATION AND RESEARCH,
NO.162 PERIYAR E.V.R. HIGH ROAD,
KILPAUK,CHENNAI- 600 010.

.. Respondent

Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus directing the respondent to consider representation dated to 03.10.2023 and enable petitioner login id in the respondent's online portal to make payment and permit petitioner to participate in the MOPUP round -3 of Post Graduate Medical (Choice Filling and Locking) for Post Graduate Medical (Management Quota) course Session 2023- 2024.

For Petitioner : Mr.D.Senthil Kumar

For Respondent : Ms.M.Sneha

ORDER

The petitioner is an aspirant for a seat in the Post Graduate Medical Course and had written the NEET examination securing 193 marks.



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2. The petitioner applied in the Non-Resident Indian (NRI) category, which requires copies of the following documentation to accompany the application:-

- "i. NRI status of the financial supporter issued by the Indian Embassy of the respective country under their seal.*
- ii. Certificate of Relationship between the NRI financial supporter and the candidate issued by the competent authority with valid Indian Passport of the NRI financial supporter.*
- iii. NRE (Non Resident External) Bank Account Pass Book of the financial supporter.*
- iv. Declaration (Annexure III (a))*
- v. A copy of Court Order legally declared as guardian of the candidate as per provisions in "Guardians and Wards Act, 1890", if applicable."*

3. The originals of the above applications are to be produced before the Head of the Institution, if admitted, at the time of admission and certificate verification.

4. Thus one of the mandatory documents to accompany the application is a certification issued by the Indian Embassy of the respective country under their seal confirming the status of the sponsor extending the financial support, as a NRI.

5. In the present case, the application has been uploaded by the petitioner on 30.09.2023. Admittedly, no certification confirming NRI status was enclosed. However, a sworn affidavit with



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an endorsement by an Attaché at the Indian Embassy, Doha (Qatar) was uploaded, reading as follows:-

**"THE EMBASSY OF INDIA
DOHA – QATAR
SWORN AFFIDAVIT**

1.MUNUSAMY BALAKRISHNAN aged 59 years residing at Doha, PO.Box:50033, holder of Indian Passport No.V8741088 issued at Doha on 25.05.2021 hereby make oath/solemnly affirm and state as follows:

I am a true NRI and working with Qatar Energy. Doha-Qatar as General Operator. I wish to sponsor my daughter Ms.SHANJALYA BALAKRISHNA (Aadhar Card no:6817 4672 2744) who intend to pursue Medical PG course in medical colleges in India under NRI Quota, I hereby undertake to provide full financial support for her during her entire course of study including her tuition fees and all other expenses.

I understand that I am liable to be prosecuted, if this affidavit or any part of it is anyway found incorrect or false. That this affidavit is true it conceals nothing and no part of it is false.

Place : Doha
Date : 28-Aug-2023
Mobile : 00974 33588912

Sworn and solemnly affirmed at the Embassy of India Doha – Qatar this day by Mr.MUNUSAMY BALAKRISHNAN who made his signature before me at Doha. He has been identified by his Passport No.V8741088, issued at Doha on 25.05.2021 NOT RESPONSIBLE FOR THE CONTENTS.

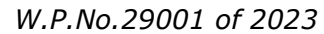
Date: 28/08/2023

xxxxx

Sd/-

Attaché

Embassy of India
Doha (Qatar)"



"No.125218 Date:03/10/2023
TO WHOMSOEVER IT MAY CONCERN
This is to certify that Mr.Munusamy
Balakrishnan S/o Munusamy holder of Passport
No.V8741088 issued on 25/05/2021 at Doha
valid up to 24/05/2031 presently residing at
Building No.56, Street No.746, Zone.90, Doha,
Qatar has stayed abroad for more than 182
days during the last financial year and enjoys
the status of Non-Resident Indian (NRI) for the
period from 01.04.2022 till date. He/She may
be extended all the courtesies and facilities, as
admissible to the Non-Resident Indians (NRIs).
This certificate is issued for his son/daughter
SHANJALYA BALAKRISHNAN for seeking
admission in India under NRI Quota."

<https://www.mhc.tn.gov.in/judis>
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-Resident Indian.

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8. The endorsement by the Attaché in the sworn affidavit only confirm the identity of the deponent of the affidavit. Though the affidavit avers that the deponent is an NRI and the Attaché also confirms that the passport has been produced before him, the verification of the passport is only for the purpose of identity and not to ascertain whether status of the deponent is a NRI or otherwise.

9. Such confirmation / certification emanates only from the Certificate dated 03.10.2023 where the Attaché confirms that the sponsor has been resident abroad for more than 182 days during the last financial year and thus enjoys the status of NRI. This certification is what ought to have accompanied the application of the candidate. As the required certification did not accompany the application, the same is admittedly incomplete and mandamus, as sought for by the petitioner, to direct the respondents to permit login to the portal, for effecting payment and participation in the mop-up round of PG selection, is not liable to be granted. This writ petition is dismissed. No costs. Connected miscellaneous petition is closed.



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10. Incidentally, today is the date on which the results are to be declared and the Court is informed that the selection locked in by the petitioner is, in fact, for Management Quota. The petitioner however, apprehends bearing in mind her marks, that she may not be entitled to obtain a seat in Management Quota seat though there would be a fee benefit were she to be selected under this Category. If at all she is so selected, the matter rests there. In the event if she is not so selected, she may explore participating in the stray round of counselling, if she is so entitled as per the extant Rules.

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Index:Yes/No

Neutral Citation:Yes

ssm

Note to Registry : Issue on 10.10.2023.

To

THE SELECTION COMMITTEE
DIRECTORATE OF MEDICAL EDUCATION AND RESEARCH,
NO.162 PERIYAR E.V.R. HIGH ROAD,
KILPAUK,CHENNAI- 600 010.



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DR. ANITA SUMANTH,J.

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