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W.P.No.30212 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.10.2023

CORAM

**THE HON'BLE MRS. JUSTICE J.NISHA BANU
AND
THE HON'BLE MRS. JUSTICE N.MALA**

**W.P.No.30212 of 2023
and W.M.P.No. 29817 of 2023**

T. Rupa
Petitioner

...

Vs

1. The Controller of Examination
Tamilnadu Dr. MGR Medical University,
No.69, Anna Salaai
Guindy, Chennai-600032

2. The Registrar
Tamilnadu Dr. MGR Medical University,
No.69, Anna Salaai
Guindy, Chennai-600032

3. The Dean
Chengalpattu Medical College
Chengalpattu- 603001

4. The Revenue Divisional Officer



W.P.No.30212 of 2023

Mettur, Salem District

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to Direct 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 Honourable Supreme Court in the matter of Dayaram case reported in 2011 (6) CTC 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.

For Petitioner : Mr.S.Doraisamy

For Respondents : Mr.R.Baranidharan,
Standing Counsel for R1 & R2
Mr.S.Balamurugan
Government Advocate for R3 and R4



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ORDER

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

This Writ Petition has been filed 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 Honourable Supreme Court in the matter of Dayaram case reported in 2011 (6) CTC 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.

2. The case of the petitioner is that she belongs to 'Kurumans Community' which is classified as Scheduled Tribe community. 3rd respondent referred petitioners community certificate to the District Collector, Salem for verification. On behalf of that, 4th respondent notice



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issued on 09.07.2021, petitioner appeared on 20.07.2021 for verification and submitted her mother's brother and sister community certificate. However, the 4th respondent refused to sent a report to the District Collector, Salem.

3. After detailed enquiry, spot verification and verification of documents, the said 4th respondent issued the community certificate on 12.01.1996 that the petitioner belongs to Kurumans (ST) Community. Based on the said certificate, the petitioner applied for MBBS course in 2004-2005 in the 3rd respondent college and she was also allotted a seat under ST category and she completed the M.B.B.S. course in the year 2010. 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 District Collector, Salem for verification and report is not received.

4. According to the petitioner, community certificate was issued to her only after proper enquiry and spot verification. Since the original certificates were not issued, she could not register her name before the 1st



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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.

5. Heard the learned counsel for the petitioner, the learned Standing Counsel appearing for the 1st and 2nd respondents and the learned Government Advocate appearing for the 3rd and 4th respondents.

6. Indisputably, the petitioner was admitted to M.B.B.S. Course under ST category and she completed the M.B.B.S. course in the year 2010. However, the 3rd respondent retained her original certificates including Course Completion Certificate and degree 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 for verification and report is not received. After detailed enquiry, spot verification and verification of documents, the 4th respondent issued the community certificate on 12.01.1996 that the



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petitioner belongs to Kurumans (ST) Community. Therefore, only on due verification, the community certificate was issued to the petitioner.

7. 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 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



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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.

8. In the given facts and circumstances of the case, the community certificate was issued to the petitioner by the 4th respondent after due verification on 12.01.1996 and on that basis she was admitted



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to the M.B.B.S. course in 2004-2005 in the 3rd respondent College under ST category and completed the said course in the year 2010. 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 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(2) weeks from the date of receipt of a copy of this order.

9. Accordingly, the Writ Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

(J.N.B,J.) (N.M., J.)
20.10.2023

Index : Yes / No
Internet : Yes/No
Neutral Citation : Yes/No
Speaking order : Non-speaking Order
msv

To



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