



W.P.No.32364 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.11.2023

CORAM

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

W.P.No.32364 of 2023
and
W.M.P.No.31985 of 2023

S.Subisha

.... 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,
Stanley Medical College,
Chennai.

4. The Revenue Divisional Officer,
Mettur Dam,
Salem 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) CTC 192 and J.Chitra Vs District Collector, Chairman reported in 2021(9) SCC 811 that the Kondareddis (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 and Revenue Authorities.

For Petitioner : Mr.S.Doraisamy

For Respondents : Mr.R.Baranidharan,
Standing Counsel for R1 & R2
Mrs.S.Mythreye Chandru
Special Government Pleader for R3 & R4

ORDER

(Order of the Court was made by J.NISHA BANU, J.,)

Mr.R.Baranidharan, learned Standing Counsel takes notice for the 1st & 2nd respondents. Mrs.S.Mythreyechandru, Special Government Pleader



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takes notice for 3rd and 4th respondents.

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2. 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) CTC 192 and J.Chitra Vs District Collector, Chairman reported in 2021(9) SCC 811 that the Kondareddis (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 and Revenue Authorities.

3. The case of the petitioner is that her father obtained community certificate from the Tahsildar, Mettur on 24.04.1984 stating that he belongs to Kondareddis (ST) community and her grandmother R.Muthulakshmi obtained



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community certificate from the said Tahsildar, on 24.05.1975 and many of her blood relatives obtained community certificate from the 4th respondent. Her father preferred an application to the 4th respondent requesting to issue community certificate to the petitioner and her brother G.S.Praneeth. The 4th respondent rejected the application stating that the community certificate issued to the petitioner's father on 24.04.1984 by the Tashildar is not valid. The petitioner's father filed a writ petition in W.P.No.8457 of 2016 challenging the order of refusal passed by the 4th respondent. In the said writ petition, this Court directed the petitioner's father to file an appeal to the District Collector. Since the community certificate issued by the Tahsildar issued prior to 11.11.1989 is still valid as per the Hon'ble Supreme Court in Kandasamy's case reported in JT 1997(7) SC 660, the petitioner's father filed a review application in Rev.P.No.174/2018. When the case came up for hearing on 04.01.2019, this Court instructed the learned Additional Advocate General to issue community certificate to the petitioner and her brother. The 4th respondent was also present before this Court on that date. Again, when the matter was called on 25.01.2019, an undertaking was given stating that the issuance of community certificate to the petitioner and her brother were under process. Therefore, the review application was withdrawn by the petitioner's



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father. Thereafter, the 4th respondent issued community certificate to the petitioner and her brother on 30.01.2019 stating that they belong to Kondareddis (ST) community. The petitioner submitted the community certificate to the 3rd respondent and now, she completed M.B.B.S. Course on 02.06.2023. However, the 3rd respondent retained the original certificates including course completion certificate and degree certificate, CRRI Completion Certificate, provisional Certificate (PPC-2), State Medical council Registration Certificate, 10th & 12th Mark Sheet and refused to furnish the same on the ground that her certificate was sent to the District Collector, Salem for verification of genuineness of her community certificate and report not received. The community certificate was issued to the petitioner after proper enquiry and verification. Hence, the present writ petition is filed with the aforesaid relief.

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 02.06.2023. 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



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Registration Certificate, 10th & 12th Mark Sheet and refused to furnish the same on the ground that her certificate was sent to the District Collector, Salem for verification of genuineness of her community certificate and report not received. Earlier, the petitioner's father filed a writ petition in W.P.No.8457 of 2016 challenging the order of refusal passed by the 4th respondent. In the said writ petition, this Court directed the petitioner's father to file an appeal to the District Collector. Since the community certificate issued by the Tahsildar issued prior to 11.11.1989 is still valid as per the Hon'ble Supreme Court in Kandasamy's case reported in JT 1997(7) SC 660, the petitioner's father filed a review application in Rev.P.No.174/2018. When the review petition came up for hearing on 04.01.2019, this Court instructed the learned Additional Advocate General to issue community certificate to the petitioner and her brother. The 4th respondent was also present before this Court on that date. Again, when the matter was called on 25.01.2019, an undertaking was given stating that the issuance of community certificate to the petitioner and her brother were under process. Therefore, the review application was withdrawn by the petitioner's father. Thereafter, the 4th respondent issue community certificate to the petitioner and her brother G.S.Praneeth on 30.01.2019 stating that they belong to Kondareddis (ST)



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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 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



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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, Mettur Dam, Salem District after due verification on 30.01.2019 and on that basis she was admitted to the M.B.B.S. course in 2017-2018 in the 3rd respondent College under ST category and completed the said course on 02.06.2023. 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



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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.)
10.11.2023

vsi

Index : Yes / No

Internet : Yes / No

Note: Issue order copy on or before 17.11.2023

To

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,
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