



WP No.24363 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 22.08.2024

CORAM:

THE HON'BLE MR.D. KRISHNAKUMAR, ACTING CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE P.B. BALAJI

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M.M.Nalina Sudhanii

... Petitioner

versus

- 1.The Director General of Health Services,
No.446-A, Nirman Bhawan,
Maulana Azad Road,
New Delhi -110 108.
- 2.The National Medical Commission,
Represented by its Secretary,
Pocket -14, Sector -8,
Dwarka Phase -1,
New Delhi -110077.
- 3.The Selection Committee for MBBS/BDS,
Represented by its Secretary,
Directorate of Medical Education,
Kilpauk,
Chennai-600 010.



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4.The Revenue Divisional Officer,
Tiruppur,
Tiruppur District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, for the issuance of a writ of Certiorarified Mandamus, calling for the relating to the order of online rejection in Application Number in TN-52024060716004 dated NIL on the file of the fourth respondent, quash the same and direct the fourth respondent to issue community certificate to the petitioner that she belongs to Kondareddis (ST) Community based upon the community certificate already issued to the parents and State Level Scrutiny committee report in respect of petitioner's mother's own brother D.Loganathan in proceedings No.488/CV-3(2)/2015 dated 03.07.2023 and also direct the respondents 1 to 3 to treat the application (Application No.240411662636) and permit the petitioner to participate in the 2024-2025 M.B.B.S/B.D.S. Counseling under ST category and admit the petitioner otherwise she is eligible under government quota or private quota or self finance quota or management quota without insisting upon the production of community certificate.

For the Petitioner

:Mr.V.Elangovan

For the Respondents

:Mr.K.Srinivasamoorthy

Senior Panel Counsel Central Government
for first respondent

Mr.Subharanjani Ananth

Senior Counsel

for second respondent

Ms.M.Sneha

Standing Counsel -Selection Committee
for third respondent

Mr.A.Edwin Prabakar

State Government Pleader



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for fourth respondent

ORDER

(Made by the Hon'ble Acting Chief Justice)

The writ petition is filed challenging the online rejection in Application Number in TN-52024060716004 dated NIL on the file of the fourth respondent, and for a direction to the fourth respondent to issue community certificate to the petitioner that she belongs to Kondareddis (ST) Community based upon the community certificate already issued to the parents and State Level Scrutiny committee report in respect of petitioner's mother's own brother D.Loganathan in proceedings No.488/CV-3(2)/2015 dated 03.07.2023 and for a direction to the respondents 1 to 3 to treat application (Application No.240411662636) and permit the petitioner to participate in the 2024-2025 M.B.B.S/B.D.S. Counseling under ST category and admit the petitioner otherwise she is eligible under government quota or private quota or self finance quota or management quota without insisting upon the production of community certificate.



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2. According to the petitioner, the petitioner's father obtained community certificate from Tahsildar, Mettur on 13.09.1978 stating that he belong to Kondareddis (ST) Community and his mother also obtained community certificate from the Tahsildar, Mettur on 14.09.1978. The petitioner's mother's own brother D.Loganathan, D.Ravi and sister Shanthi obtained community certificate that they belong to Kondareddis (ST) Community.

3. According to the petitioner, the petitioner had completed plus two and wrote NEET exam and scored 388 marks out of 720. Thereafter, she preferred an application for admission to M.B.B.S Course under ST Category based upon his parents' community certificate. The petitioner also preferred an application to the fourth respondent/the Revenue Divisional Officer, Tiruppur, requesting to issue community certificate to the petitioner and the same was rejected on the ground that the petitioner is not entitled for considering the said application and instructed the petitioner to approach before the Revenue Divisional Officer, Thirupathur for getting the



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certificate. That order is under challenge in the present writ petition.

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4. Learned State Government Pleader, on instructions, would submit that admittedly, the petitioner's parents have obtained community certificate from the Tahsildar, Mettur. The petitioner has been residing at Tiruppur and made an application seeking community certificate to the Revenue Divisional Officer, Tiruppur. He further submits that the Revenue Divisional Officer, Tiruppur is not the competent authority to grant such community certificate and Thirupattur is not under his jurisdiction. The petitioner's parents had obtained community certificate from the Tahsildar, Mettur and the petitioner ought to have made such an application before the Revenue Divisional Officer, Mettur. The petitioner instead of making an application before the Revenue Divisional Officer, Mettur, she had approached the Revenue Divisional Officer, Tiruppur. Therefore, order of the Revenue Divisional Officer, Tiruppur is correct.

5. Learned counsel for the petitioner agreed that the petitioner will make an application before the Revenue Divisional Officer, Mettur seeking for the aforesaid ST Community certificate. He further submits that the



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petitioner is now eligible for admission to the MBBS Course under the ST category and the counseling has commenced. Therefore, if there is any delay in issuing the community certificate, it would affect the petitioner's right to admission in the MBBS Course.

6. Learned State Government Pleader would submit that if any such application is submitted by the petitioner to the Revenue Divisional Officer, Mettur, the same will be considered and decided on merit, after conducting detailed enquiry and appropriate orders will be passed by the Revenue Divisional Officer, Mettur.

7. Ms.Sneha, learned counsel appearing for the Selection Committee would fairly state that counseling has commenced by the selection committee and the students also participated in said counseling and the same is as per schedule. The said counseling is scheduled to be completed on 30th October, 2024. She further submits even though the petitioner is not permitted in the current counseling, in view of the community certificate not submitted by the petitioner, if the petitioner



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produces the community certificate issued by the Revenue Divisional Officer, Mettur, she will be permitted in any of the counseling immediately under the ST category,

8. In view of the above submissions made by the parties concerned, we are inclined to pass order as follows:

i) The petitioner shall submit her application within a period of one week from the date of receipt of a copy of this order, along with all relevant documents before the Revenue Division Officer, Mettur;

ii) On such application being received by the Revenue Divisional Officer, Mettur, within the aforesaid period, the Revenue Divisional Officer, is directed to conduct a detailed enquiry and pass appropriate orders, as early as possible, within a period of three weeks thereafter.

iii) In view of the urgency, the Revenue Divisional Officer, may treat this case as a special case and conclude the enquiry and pass appropriate orders.

iv) The copy of the order should be communicated to the Revenue Divisional Officer, Mettur.



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v) The State Government Pleader is also instructed to give instructions to the Revenue Divisional Officer, Mettur, to pass appropriate order in the aforesaid application and the petitioner shall also co-operate for the enquiry.

vi) We make it clear, if any certificate is issued by the Revenue Divisional Officer, Mettur, to the petitioner, under ST community category, the respondent selection committee, on receipt of the said ST community certificate, shall permit the petitioner to attend the next counselling to be conducted by the selection committee.

9. With the above directions, the writ petition stands disposed of. There shall be no order as to costs. Consequently, WMP No.26622 and 26623 of 2024 are closed.

(D.K.K., ACJ.) (P.B.B., J.)
22.08.2024

Index : Yes/No
Neutral Citation : Yes/No
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THE HON'BLE ACTING CHIEF JUSTICE
and
P.B. BALAJI, J.

(mrn)

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