



W.P.Nos.26635 of 2018 & 3649 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.01.2024

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.Nos.26635 of 2018 & 3649 of 2019

W.P.No. 26635 of 2018

Syed Afrosh

... Petitioner

Vs.

1. The Secretary to the Government,
Ministry of Home Affairs,
North Block,
New Delhi – 110001.

2. The Secretary,
Medical Council of India,
Pocket - 14, Sector - 8,
Dwarka Phase - 1,
New Delhi – 110077.

3. The Director General of CBI,
CBI Head Office,
Plot No. 5-B, CGO Complex,
Lodhi Street, New Delhi.

4. The Commissioner of Police,
Greater Chennai,
Vepery, Chennai-600 007.

5. The Dean



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Washington University of Barbados
School of Medicine,
Casa Grande, Hibiscus Block,
Oldbury, St. Philip, Barbados.

6. MR. Dilip Kumar

... Respondents

Prayer :- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus, directing the respondents 1 to 4 to conduct a proper enquiry about the 5th and the 6th respondent and directing the 1st respondent to cancel the recognition and the 2nd respondent to cancel its approval of the 5th respondent and to ban the 6th respondent from engaging as educational consultant who act contrary to the 2nd respondent rules and regulations and to take proper steps directing the petitioner to shift his studies in other Medical University for the continuity of the petitioner studies or to refund the total fee collected by the 5th respondent University.

For Petitioner : Mr.K.P.Satish Kumar

For Respondents : Mr.V.Ashok Kumar, CGSC (for R1)

Ms.Shubharanjani Ananth,
Senior Counsel (for R2)

Mr.P.Bala Thandayutham,
Special Government Pleader (for R4)

R3, R5 & R6 -Not ready in Notice

W.P.No. 3649 of 2019



W.P.Nos.26635 of 2018 & 3649 of 2019

N.Uvaish Ahamed

... Petitioner

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Vs.

1. The Secretary to the Government,
Ministry of Home Affairs,
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2. The Secretary,
Medical Council of India,
Pocket- 14, Sector- 8,
Dwarka Phase- 1,
New Delhi- 110 077.

3. The Director General of CBI,
CBI Head Office,
Plot No 5-B CGO Complex,
Lodhi Street,
New Delhi- 110003.

4. The Commissioner of Police,
Greater Chennai,
Vepery, Chennai-7.

5. The Secretary To Government,
Ministry Of External Affairs,
23 D, Maulana Azad Road,
Rajpath Area, Central Secretariat,
New Delhi – 110011.

6. The Secretary to the Government,
Ministry Of Human Resources Development,
1, West Block,
R.K.Puram, New Delhi-110066.

7. The Dean,
Washington University Of Barbados,



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School Of Medicine,
Casa Grande, Hibiscus Block,
Oldbury, St.Philip, Barbados.

8. Mr.Dilip Kumar

... Respondents

Prayer :- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus, directing the respondents 1 to 4 to conduct a proper enquiry about the 7th and the 8th respondent and directing the 1st and 2nd respondent to cancel the recognition and the 2nd respondent to cancel its approval of the 7th respondent and to ban the 8th respondent from engaging as educational consultant who act contrary to the 2nd respondent rules and regulations and to take proper steps directing the petitioner to shift his studied in other Medical university for the continuity of the petitioner studies or to refund the total fee collected by the 7th respondent university.

For Petitioner : Mr.K.P.Satish Kumar

For Respondents : Mr.V.Ashok Kumar, CGSC (for R1)

Ms.Shubharanjani Ananth,
Senior Counsel (for R2)

Mr.P.Bala Thandayutham,
Special Government Pleader (for R4)

No Appearance (for R5 & R6)

R3, R7 & R8 -Not ready in Notice

COMMON ORDER



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The writ of mandamus have been instituted in the above two writ petitions to direct the respondents 1 to 4 to conduct a proper enquiry about the respondents i.e., Washington University of Barbados, School of Medicine and Mr.Dilip Kumar, directing the 1st and 2nd respondents to cancel the recognition and the 2nd respondent to cancel its approval of the respondent Washington University of Barbados and to ban respondent Mr.Dilip Kumar from engaging as educational consultant who act contrary to the 2nd respondent rules and regulations and to take proper steps directing the petitioners to shift their studied in other Medical university for the continuity of the petitioners' studies or to refund the total fee collected by the respondent Washington University of Barbados.

2. Learned counsel for the petitioners in both the writ petitions would submit that the petitioners were misguided by respondent Mr.Dilip Kumar for securing an admission to MBBC Course in the respondent Washington University of Barbados. As per the petitioners, the said University was recognised by the Medical Counsel of India / 2nd respondent.

3. The learned counsel appearing on behalf of the 2nd respondent Medical Council of India would submit that the respondent University is



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not a recognised University under the provisions of the Act and therefore, the grievances of the petitioners cannot be redressed in the present writ petition. If at all, any allegations of cheating has been raised, it is for the petitioners to initiate appropriate actions.

4. The learned Central Government Standing Counsel, appearing on behalf of the 1st respondent, would submit that the petitioners have not produced the eligibility certificate which is mandatory under the provisions of the Eligibility Certificate Regulations, 2002. An Indian citizen, who has passed the qualifying examination from India or passed an equivalent examination from abroad, and is desirous of joining undergraduate Medical Course in any Medical Institution, on or after 15th March 2002, shall approach the Medical Council of India for issuance of an eligibility certificate for that propose.

5. Since the petitioners have not produced any such eligibility certificate, they have secured admission at their risk for which neither the Medical Counsel of India nor the Government of India can be blamed. If the petitioners have been cheated by any individual or any educational consultant or otherwise, they are at liberty to initiate appropriate actions in



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the manner known to law.

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6. With these directions, the writ petitions stand dismissed. However,
there shall be no order as to costs.

22.01.2024

Index : Yes
Speaking Order
Neutral Citation : Yes
(sha)

To

1. The Secretary to the Government,
Ministry of Home Affairs,



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North Block, New Delhi- 110001.

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Pocket- 14, Sector- 8,
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S.M.SUBRAMANIAM. J.,

(sha)

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