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W.P.No.669 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.09.2025

CORAM

THE HONOURABLE Mr. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.669 of 2023

and

W.M.P.No.610 of 2023

S.S.Prabhu

.... Petitioner

Vs

1.The Registrar,
Tamil Nadu Medical Council,
New No.914, Old No.569,
Poonamallee High Road,
Arumbakkam,
Chennai – 106.

2.The Registrar
Pondicherry University,
R.Venkataraman Nagar,
Kalapet, Puducherry.

3.The Controller of Examinations,
Pondicherry University,
R.Venkataraman Nagar,
Kalapet, Puducherry.

4.Vinayaga Missions Medical College,
Keelakasakudimedu,
Kottucheri Post,
Karaikal, Puducherry

.... Respondents

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Prayer : Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the order dated 30.09.2021 in No.PU/med/MBBS/E5/2021/579 of the second respondent herein and quash the same and direct the respondents to issue the Provisional Certificate-1 and the Mark Sheet, Nov 2007 under Reg. No.9617546 MBBS Course 1998-1999 in the fourth respondent college.

For Petitioner : Mr.AL.Gandhimathi
Senior Counsel
for Mr.SA.Kanmani

For R1 : Mr.J.Jayamalan

For R2 & R3 : Mr.A.V.Bharathi
Standing Counsel

For R4 : No appearance

ORDER

This Writ Petition has been filed challenging the order dated 30.09.2021 passed by the second respondent, thereby cancelling the provisional certificate and the mark sheet of November, 2007, in respect of Registration No.9617546, MBBS Course 1998-1999, issued by the fourth respondent College.

2.Heard the learned counsel appearing on either side and perused the materials available on record.

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3. The petitioner joined the MBBS course during the Academic Year 1998-1999 in the fourth respondent College. The petitioner appeared for the final MBBS Part-II Examination in November, 2007 and passed in General Surgery and Obstetrics and Gynaecology (OG) subjects. Further, in the month of May 2009, he passed the Paediatric subject and in May 2011, he passed the General Medicine subject. Thereafter, based on the complaint alleging that there was malpractice and tampering the mark sheet, an FIR was registered and the petitioner along with two others were charged for the offences punishable under Section 120(b) read with Sections 420, 468, 471 of IPC and Section 13(2) Section 13(1)(d) of the Prevention of Corruption Act, 1988. It was further alleged that in the year 2007, malpractice was noticed in the examinations conducted by the Pondicherry University for engineering and medical streams, thereby marks were deliberately inflated to unduly favour certain students, resulting in candidates being declared as passed despite not having scored sufficient marks. After a full-fledged trial, the Trial Court acquitted the petitioner and the two others in C.C.No.1 of 2014, by order dated 28.03.2019.



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4. The petitioner completed his course by passing all the subjects and subsequently underwent internship from 15.07.2011 to 14.07.2012. Thereafter, the petitioner was issued provisional certificate and mark sheet. Subsequently, the petitioner was requested to furnish his mark sheet and CRRI completion certificate and also to produce marks sheet and provisional certificate as required. After following the same, the provisional certificate for the MBBS degree course for the academic year year 1998-1999 was cancelled on the ground that it was issued based on tampering of the mark sheet.

5. The learned Senior Counsel appearing for the petitioner would submit that the petitioner was not afforded an opportunity of hearing prior to the cancellation of the provisional certificate. In fact, the petitioner was permitted to undergo his internship and CRRI Training during the period from 15.07.2011 to 14.07.2012. Therefore, the cancellation of the provisional certificate and the direction to surrender the provisional certificate and mark sheet, is arbitrary and unjust. The Trial Court categorically held that the petitioner and the two other accused persons had not tampered the mark sheets and had not made any alterations.



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Consequently, the Trial Court acquitted the petitioner and the two others from all the charges. In view of the same, the provisional certificate issued in favour of the petitioner ought not to have been cancelled by the second respondent.

6. A perusal of the counter affidavit filed by the second and third respondents and the submissions made by the learned Standing Counsel, reveals that the petitioner had joined the MBBS Course in the fourth respondent College during the Academic Year 1998 – 1999 and completed his course in the month of May 2011. The petitioner had committed malpractice during his initial appearance in the first year examination held in December 1999 and was consequently debarred for the next two academic sessions. Once again, the petitioner indulged in some malpractice during the examination held in the month of May 2006. Therefore, the second and third respondents cancelled all the papers appeared by the petitioner. In fact, apart from the alleged malpractice, the petitioner was also involved in certain criminal proceedings. In the said criminal case, though the petitioner and two others were acquitted from all the charges, the acquittal was only on the ground that the prosecution failed to prove that the



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petitioner conspired with the others and committed offence. The prosecution also failed to prove that the petitioner and two others used whitener to tamper with the mark sheet.

7. The answer sheet and OMR sheets for the fourth year examination held in November 2007, in respect of the subjects General Surgery I & II and Obstetrics and Gynaecology were tampered and the marks were inflated. The concerned paper evaluators themselves stated that the marks awarded by them were altered by others. The alteration of the mark sheets and OMR sheets were done in three stages :-

Stage 1 : Removing the answer scripts from the safe custody and handed over to A3 through Ramadoss ad A2.

Stage 2 : Altering and tampering the marks in OMR Sheets by applying white fluid in the OMR sheets kept in the safety room.

Stage 3 : A1 instructed Jayaraman to alter the Date Entry accordingly, he did the alteration in the computer date of TRR.

8. Though the Trial Court acquitted the accused, it recorded the evidence and the relevant portion of the Judgment reads as follows :



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13. Stage II

PW12 sent Ex.P6 to P19 for CFSL Expert opinion. PW11 who submitted the report, Ex.P26, clearly deposed that Ex.P6 to P16 the letters are tampered by applying the white fluid. Furthermore, PW3, PW4, also deposed

எஸ் எஸ் பிபி என்ஸ் மெடிசின், சர்ஜரி, கவனகாலஜி மற்றும் ஆப்தரிமிக்ஸ் ஆகிய மடங்களை எழுதியிருந்தார். அதில் சர்ஜரி கவனகாலஜி பேப்பரும் வினாவினா த்தானில் மேற்பகுதியும் இறுதி பகுதியும் எடுத்துக்கொடுக்கும்படி கூறினார்கள். மாற்று பேப்பர்களுக்கும் சாப்புகை செய்த போது சர்ஜரி 1-ல் 1 மார்க்கை 9 மார்க்காக திருத்தப்பட்டுள்ளது. சர்ஜரி பேப்பர் செக்ஷன் 1-ல், மார்க் 1-கோடி 8-ல் அதை 9-ஆக 1 மார்க்காக 9-ஆக திருத்தம் செய்யப்பட்டுள்ளது. சர்ஜரி பேப்பர் செக்ஷன் 2-ல் கோடி 8-ல் 21-ஆக மாற்றம் செய்யப்பட்டுள்ளது. 17-ஆக மார்க்காக மாற்றம் செய்யப்பட்டுள்ளது. சர்ஜரி பேப்பர் 1-ல் செக்ஷன் 1 மார்க் கோடி 8-ல் மதிப்பெண் 17-ஆக மாற்றம் செய்யப்பட்டுள்ளது. சர்ஜரி பேப்பர் 2-ல் செக்ஷன் 2 மார்க் கோடி 8-ல் மதிப்பெண் 21-ஆக மாற்றம் செய்யப்பட்டுள்ளது. கவனகாலஜி பேப்பர் செக்ஷன் 2 மார்க் கோடி 8-ல் மதிப்பெண் 17-ஆக மாற்றம் செய்யப்பட்டுள்ளது.

Furthermore, the evaluators of the above answer scripts PW6, Dr. V. Kannan deposed that he evaluated the General Surgery papers but there is alteration in the coding sheet that was not done by him and also not used any white fluid. That correction was not made by him.

19. PW7 Dr. Jagadish who evaluated the General Surgery Section I also deposed he has given 9 marks but in the OMR sheets, the whitener was applied, it was not done by him and he has not used any white fluid in the OMR sheets.

20. Likewise PW8 Dr. Reddihari who evaluated Gynecology paper I also deposed that she has not applied any whitener in the OMR sheet and that was not done by her. So, from the cogent evidence of the evaluators PW6 to PW8 clearly and cogently deposed that they have not done any white fluid in the OMR sheets. But, they have deposed that signature found in OMR sheets is belongs to them. So, it is proved that they have evaluated the papers General Surgery I and General Surgery II and Gynecology and from the report of PW11, it is proved that the OMR sheets are tampered by applying white fluid and inflated the marks.



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21. Stage III

Then the marks awarded will be transferred into date TMR then to be transferred to TRR. It is the case of the prosecution A1 has instructed Jayaraman to transfer and alter the marks from 52 to 62 in the TRR sheets thereby cheated the University to declare A3 as pass in those subjects. Data Entry Operator said Jayaraman died mysteriously, the CBI has conducted the investigation as per the order of Hon'ble High Court. So, the Jayaraman is not at all examined.

22. It is the case of the prosecution as well as from the evidence of P.W.1, P.W.2 and P.W.3, P.W.4 and P.W.12, the Jayaraman was incharge of Date Entry Operation in the Engineering Wing wherein, PW9 herein is incharge of medical wing. The TRR sheets is marked as Ex.P21 which is certified by the Selection Officer, thereafter, PW16 has given the certificate as per Section 65B of Indian Evidence Act that is marked as Ex.P31.”

9. Thus, it is clear that the marks and the OMR Sheets of the petitioner were tampered by applying white fluid and put pass mark to the petitioner. The evaluator also categorically deposed that there was alteration in the coding sheets for the General Surgery papers. However, the prosecution failed to prove that the accused were responsible for such corrections and alterations. Therefore, the Trial Court acquitted the accused persons on the ground that the prosecution had failed to establish the case beyond any reasonable doubt. The accused were found not guilty and the benefit of doubt was extended in their favour.



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10. Further, the petitioner had committed malpractices during the examination held in the month of May 2006. Consequently, the second respondent cancelled all the papers appeared by the petitioner. However, the petitioner completed his internship during the period from 15.07.2011 to 14.07.2012 along with other students, without a provisional certificate issued by the second respondent. In fact, before commencing internship, the registration of the provisional pass certificate is mandatory. However, without even registering the provisional pass certificate, the petitioner underwent CRRI Training, thereby cheating the National Medical Council and the Tamil Nadu Medical Council. Further, the petitioner had given false statements upon joining the course, claiming to have completed the course without any complaint. The petitioner had also committed malpractice during his initial appearance of the first year examination held in December 1999 and as such, he debarred from appearing for the next two sessions. That apart, he indulged in malpractice in May 2006, leading to the cancellation of all papers wrote by him by the second respondent. Though the petitioner was acquitted in the criminal case, such acquittal does not imply that he passed all the examinations. Admittedly, OMR answer sheets were tampered and the mark sheets of the petitioner were altered.



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Therefore, all the above facts clearly established that the petitioner has a habitual of committing malpractices and used dubious tactics to obtain his degree through misrepresentation during his course of study.

11. Though the first accused was acquitted from the criminal charges, during departmental proceedings, the gravity of charges against the first accused was proved, who involved in misconduct of tampering the marks of the MBBS examination. In order to maintain academic standards and uphold the integrity of the institution, second respondent was duty bound to initiate disciplinary action. Consequently, the first accused was imposed major penalty of dismissal from service.

12. Though the petitioner sought permission to write the examination once again, he never made any request so far. The petitioner joined in the medical course during the Academic Year 1998-1999. After a lapse of twenty five years, the petitioner cannot be permitted to re-write the examination. The petitioner was habitual of indulging in all sorts of malpractice during his studies to obtain the MBBS degree. Therefore, the second respondent, after following the due process of law, rightly cancelled the provisional certificate and directed the petitioner to surrender the provisional certificate and mark sheet of November 2007.



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13. In view of the above, this Court finds no infirmity or illegality in the order dated 30.09.2021 passed by the second respondent. Thus, the writ petition lacks merits and is liable to be dismissed. Accordingly, this Writ Petition stands dismissed. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

19.09.2025

Neutral citation :Yes/No

Index:Yes/No

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