



W.P.No.9907 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.03.2025

CORAM:

THE HON'BLE MRS.JUSTICE.N.MALA

W.P.No.9907 of 2025
and WMP.Nos.11124 to 11126 and 11673 of 2025

Mitgur Prabal. R

... Petitioner

Vs.

- 1.The State of Tamil Nadu,
Represented by the Additional Chief Secretary
To Government,
Health & Family Welfare Department,
Chennai – 600 009.
- 2.The Directorate of Medical Education & Research,
Rep. by its Director,
Kilpauk,
Chennai – 600 010.
- 3.The Selection Committee,
Represented by Additional Director of
Medical Education & Research,
Secretary (I/c),
Directorate of Medical Education & Research,
Kilpauk, Chennai – 600 010.
- 4.The Tamil Nadu Dr.MGR Medical University,
Represented by its Secretary,
Guindy,
Chennai – 600 032.



W.P.No.9907 of 2025

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5.Karpagam Faculty of Medical Sciences & Research,
Represented by its Dean,
Pollachi Main Road,
Othakkalmandapam Post,
Coimbatore – 641 032.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records of the 3rd respondent, in proceeding No.Ref.No.231/SCSI(1)/2024-3, dated 06.02.2025 and quash the same as illegal and consequently direct the 2nd, 3rd and 5th respondents to permit the petitioner to continue his MBBS Course in the allotted seat with the 5th respondent College.

Prayer amended as per Order dated 20.03.2025 :

Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records of the 3rd respondent, in proceeding No.Ref.No.231/SCSI(1)/2024, dated 04.03.2025 and quash the same as illegal and consequently direct the 2nd, 3rd and 5th respondents to permit the petitioner to continue his MBBS Course in the allotted seat with the 5th respondent College.

For Petitioner : Mr.N.L.Rajah, Senior Advocate

For MA.Gouthaman

For R1 to R3 : Mrs.M.Sneha,



W.P.No.9907 of 2025

Special Counsel

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ORDER

This Writ Petition is filed to call for the records of the 3rd respondent, in proceeding No.Ref.No.231/SCSI(1)/2024, dated 04.03.2025 and quash the same as illegal and consequently direct the 2nd, 3rd and 5th respondents to permit the petitioner to continue his MBBS Course in the allotted seat with the 5th respondent College.

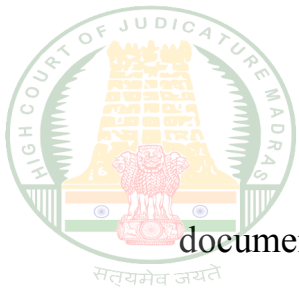
2.With the consent of both the learned counsels, the writ petition is taken up for final disposal at the admission stage itself.

3.As the petitioner was interested in pursuing the Medical course he applied for National Eligibility-cum-Entrance Examination (NEET) conducted by the National Testing Agency under the Department of Higher Education, Ministry of Education, Government of India. The petitioner passed the NEET examination with an aggregate score of 351/720 with a total percentile of 79.36% and Secured All India NEET Rank 479603 and Rank 219773 under OBC Category under which he applied. As the



W.P.No.9907 of 2025

petitioner's parents were not well acquainted with the admission process for MBBS course, they approached a Consultation Agency for uploading the necessary documents and for processing, filing and uploading the application for MBBS counselling as his sponsorer was an NRI. The petitioner took the aid of the Consultation Agency, because of the complications involved in the online uploading of the documents. As the petitioner's blood relation Mr.Prakash Gopalaswamy Kannan was a Dutch National and an NRI, the petitioner applied under NRI Quota for which the appropriate application fee of Rs.1,01,000/- was paid by his NRI sponsor. The petitioner also produced the necessary documents of his NRI sponsor to the Consultation Agency for uploading the documents alongwith the application. On completion of the application process the petitioner was issued with a provisional allotment order in Reference No.231/SCSI (1)/2024, dated 26.09.2024. The petitioner was allotted a Management seat in the 5th respondent College under NRI category for 5 years MBBS Course. The petitioner completed the admission process and paid necessary fees and started attending regular classes from 15.10.2024. Whiles, to the shock and dismay of the petitioner, he received a show cause notice dated 06.02.2025, from the third respondent stating that he had secured admission for MBBS/BDS course by uploading fake NRI



W.P.No.9907 of 2025

documents.

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4.The petitioner submitted his reply to the show cause notice, stating that he was a victim of fraud committed by the Consultation Agency. According to the petitioner, despite the submission of the original documents to the Agency, the same were not uploaded. The petitioner handedover the said explanation in person and also through Registered post. The proof of delivery also filed. However, the respondents passed the impugned order cancelling the petitioner's admission under NRI Quota, Aggrieved by the said order the petitioner has filed the above Writ Petition for the aforesaid relief.

5.The learned Senior Counsel for the petitioner submitted that the petitioner had submitted his explanation dated 15.02.2025 to the show cause notice, but the respondents even without considering the petitioner's explanation to the show cause notice passed the impugned order. The learned Senior Counsel therefore submitted that the impugned order was invalid and unsustainable. The learned Senior Counsel further submitted that



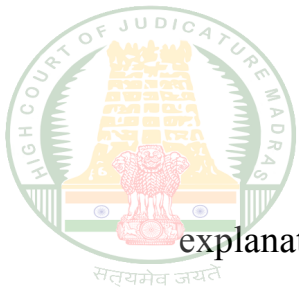
W.P.No.9907 of 2025

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having called for explanation, the respondent while cancelling the petitioner's admission under the impugned order, ought to have considered and given justifiable reasons for rejecting the same. The learned Senior Counsel therefore submitted that the impugned order deserved to be set aside on the point of violation of the Audi Alterum Partem Rule and the writ petition is to be allowed.

6.I have heard both the learned counsels and I have perused the materials on record.

7.The facts are already narrated and hence the same are not traversed to avoid repetition. Admittedly the petitioner was served with the show cause notice on 04.03.2025, calling for explanation as to why the petitioner's admission should not be cancelled on the ground of production of fake NRI certificate. The petitioner submitted his explanation to the show cause notice, which was acknowledged by the respondents. The explanation given by the petitioner to the show cause notice was acknowledged by the third respondent and the same was referred to as reference No.4 in the impugned order. Though the third respondent acknowledged the receipt of the



W.P.No.9907 of 2025

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explanation, the third respondent did even whisper about the same in the impugned order except making a reference to it in the reference. When explanation was given by the petitioner to the show cause notice the third respondent was bound to consider the same and pass orders giving cogent reasons for either accepting or rejecting the same. There is absolutely no discussion on the explanation given by the petitioner. The principles of natural justice are not principles in a vacuum. They are valuable rights conferred on a person to ensure that fair opportunity is given to the affected party before adverse orders are passed. As the impugned order is passed in violation of principles of natural justice, I am of the view that the same cannot be sustained I am, therefore of the view that the impugned order cannot be sustained. Ergo, the impugned order is set aside and remanded to the third respondent for fresh consideration. The petitioner is permitted to submit additional explanation, if any, within a period of two weeks from the date of receipt of a copy of this order. On receipt of the additional explanation, the third respondent shall consider the same and pass orders on merits and in accordance with law, within a period of four weeks, thereafter. As the matter is remanded to the third respondent for fresh consideration, I am of the view that on the basis of mere show cause notice, the fifth



W.P.No.9907 of 2025

respondent cannot prevent the petitioner from attending the class. The fifth

respondent shall permit the petitioner to attend the classes, till a final decision is taken by the third respondent.

8. Accordingly, this Writ Petition is allowed. However, there shall be no order as to costs. Consequently the connected miscellaneous petitions are closed.

20.03.2025

3/3

Index : Yes / No

Internet : Yes / No

Speaking order/Non-speaking order
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To

1. The State of Tamil Nadu,
Represented by the Additional Chief Secretary
To Government,
Health & Family Welfare Department,
Chennai – 600 009.

2. The Directorate of Medical Education & Research,
Rep. by its Director,
Kilpauk,
Chennai – 600 010.



W.P.No.9907 of 2025

3. The Selection Committee,
Represented by Additional Director of
Medical Education & Research,
Secretary (I/c),
Directorate of Medical Education & Research,
Kilpauk, Chennai – 600 010.

4. The Tamil Nadu Dr.MGR Medical University,
Represented by its Secretary,
Guindy,
Chennai – 600 032.

5. Karpagam Faculty of Medical Sciences & Research,
Represented by its Dean,
Pollachi Main Road,
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W.P.No.9907 of 2025

N.MALA, J.
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W.P.No.9907 of 2025



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W.P.No.9907 of 2025

20.03.2025
3/3