



W.P.No.9830 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 24.04.2025

CORAM

THE HONOURABLE MRS. JUSTICE N.MALA

W.P.No.9830 of 2025
and W.M.P.Nos.11029 & 11030 of 2025

S.Harshiktha
D/o.K.Shanmugam,
3/112, NRB Illam, Ayyadurai Street,
Paramakudi,
Ramamathapuram – 623 707.

..

Petitioner

Vs.

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

2.Selection Committee,
Directorate of Medical Education & Research,
Kilpauk, Chennai – 600 010.

3.The Dean,
Madha Medical College Research Institute,
Kundrathur Road, Kovur,
Chjennai – 600 128.

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Respondents



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WEB COPY Writ Petition filed under Article 226 of the Constitution of India to issue a writ of certiorari to call for the records of the second respondent pertaining to Ref.No.231/SCSI (1)/2024 dated 04.03.2025, cancelling the petitioner's candidature under NRI quota and the petitioner's admission in the third respondent/college under NRI quota and to quash the same.

Mr.P.Sesubalan Raja	For Petitioner	:
Mrs.M.Sheha, Standing Counsel	For RR 1 & 2	:
Mr.Srinath Sridevan, Senior Counsel Mr.S.Rajmakesh	For R3 for	:

ORDER

This writ petition is filed challenging the cancellation of the petitioner's candidature under the NRI quota and her admission in the third respondent/college by the second respondent *vide* Ref.No.231/SCSI (1)/2024 dated 04.03.2025.

2. The petitioner aspiring to be a medical student, appeared for the NEET examination, conducted in the year 2024, and secured 262 marks. The



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petitioner's rank in NEET was 738066. Because of her low rank, the petitioner had

no chance of getting an admission in any Government Medical Colleges. The

petitioner was therefore advised to seek admission in private medical colleges.

While so, the petitioner's cousin, Dr.Kathiresan Purushothaman, who was working

in Singapore from July 2023 to December 2024, expressed his willingness to

sponsor the petitioner under the NRI quota. The petitioner hence applied for the

MBBS course for the academic year 2024-25, to the third respondent/college,

under the NRI quota. According to the petitioner, she sought guidance of the third

respondent/college for uploading the documents, for a seat under the NRI quota,

submitted the required documents for NRI seat, and was therefore admitted in the

third respondent/college. The petitioner started attending the classes from October

2024. Notwithstanding the above, the petitioner received a letter from the second

respondent, stating that Embassy certificate of her cousin, produced by her was not

genuine. On enquiry, the petitioner came to understand that the NRI certificate

uploaded by the third respondent/college, through her ID was not the one

submitted by her to the third respondent/college. The petitioner stated that though

she produced the affidavit bearing No.8094/24 dated 13.06.2024, attested by the

Indian Embassy, Singapore, in favour of her cousin, the third respondent/college



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did not produce the said certificate/affidavit to the second respondent. The petitioner submitted a detailed reply on 18.02.2025 explaining the facts. The second respondent without even considering the petitioner's explanation and without giving an opportunity of hearing, cancelled the petitioner's candidature under the NRI quota and also the admission of the petitioner on 14.03.2025. Challenging the said order, the petitioner has filed the present writ petition.

3. The third respondent/college filed a detailed counter rebutting the contention of the petitioner that her certificates were wrongly uploaded by the third respondent/college. The third respondent/college denied any role in uploading the documents of the petitioner or for that matter any of the students. The third respondent/college stated that none of its employees were authorized by it to upload any forms for the NRI students. The third respondent/college hence prayed that the writ petition be dismissed.

4. The petitioner filed an additional affidavit in response to the counter filed by the third respondent/college and named two persons *viz.* R.Sivanandan, a faculty member of the third respondent/college and Reehan Keni, as the persons



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who erroneously uploaded the petitioner's documents.

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5. The learned counsel for the petitioner relying on the affidavit bearing No.8094/24 dated 13.06.2024, attested by the Indian Embassy, Singapore, issued to the petitioner's cousin, in support of NRI status, submitted that the alleged fake NRI certificate IN No.SINR34316123 dated 22.04.2024, which was uploaded by the third respondent/college through the petitioner's ID was not the one submitted by her to the third respondent/college. The learned counsel therefore submitted that the petitioner should not be penalized for the mistake committed by the third respondent/college.

6. Mrs.Sneha, learned Standing Counsel appearing for the first and second respondents submitted that on the date of filing of the application the petitioner did not have the requisite NRI certificate and therefore, assuming that the fake certificate was not submitted by the petitioner, she was even otherwise ineligible for admission, since she did not possess the requisite NRI certificate issued by the Indian Embassy of the respective country under their seal or OCI card. The learned counsel relied on the judgment of this court dated 09.04.2025



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passed in W.P.No.36396 of 2024 in support of her contention.

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7. The learned counsel for the third respondent/college submitted that the petitioner in her additional affidavit named two persons *viz.* R.Sivanandan, a faculty member and Reehan Keni, as persons who misguided her. He further submitted that the third respondent/college had nothing to do with Reehan Keni and since R.Sivanandan was a the faculty member, the third respondent/college would, if advised, conduct an enquiry against him.

8. Heard the learned counsels on both sides and perused the materials placed on record.

9. Admittedly, when the petitioner uploaded the documents along with her application, she only possessed the affidavit bearing No.8094 of 2024 dated 13.06.2024, issued in favour of her NRI sponsor, attested by the Indian Embassy, Singapore. The affidavit, though attested by the Indian Embassy, contains a disclaimer as to the contents. The petitioner, as per the prospectus was actually



required to produce the NRI certificate issued by the Indian Embassy, as per the format provided or the OCI card. Admittedly, the petitioner possessed only the said affidavit at the time of admission. Hence, it is clear that the petitioner did not possess the requisite document at the time of submission of her application and therefore, she was ineligible for admission under the NRI quota. While deciding similar issue in W.P.No.36396 of 2024, this Court held as follows:

“9. The 3rd respondent published the prospectus vide G.O.(D).No.749, Health and Family Welfare (MCA-1) Department, dated 16.07.2024, for admission to MBBS/BDS degree courses under Management quota including Minority/NRI seats in self financing Medical/Dental colleges in Tamil Nadu, affiliated to Tamil Nadu Dr. M.G.R. Medical University. Condition 8 of the prospectus deals with eligibility criteria for NRI seats. Under clause (vii) of condition 8 of the prospectus, the following documents were to be uploaded by candidates applying under “NRI” quota.

“8.ELIGIBILITY CRITERIA FOR NRI:

vii) Candidates applying under “NRI” quota should upload the following documents:-

i. NRI status of the financial supporter issued by the Indian Embassy of the respective country under their seal or OCI card

ii. Certificate of Relationship between the NRI financial supporter and the candidate issued by the competent Revenue Authority, valid Indian Passport of the NRI financial supporter.

iii. NRE (Non Resident External) Bank Account Pass Book of the financial supporter.



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iv. Evidence for payment of Development charges US \$1000/- to the college by the NRI financial supporter (Onetime payment at the time of admission only)."

Further clause (xii) is also relevant and it reads as follows:

"xii) If the documents produced by NRI candidates are found to be false criminal action will be initiated irrespective of whether they have been allotted the seat or not. With respect to candidates who have obtained seat based on the false documents the seat will be cancelled beside criminal action."

Condition 21(v) of the prospectus deals with cancellation of selection and admission and it reads as follows:

"21. BOND:-

v) All selections and admissions for MBBS / BDS Course are only provisional. The selection and admission is liable to be cancelled at any time as and when the eligibility conditions are found to be defective or incorrect or there has been suppression or misrepresentation of facts. The Selection Committee reserves the right of allotment of MBBS / BDS seats."

The last date for submission of the application as per the prospectus was given as 09.08.2024.

11.

The conditions of the prospectus recited above clearly demonstrate that the "NRI Certificate" should be uploaded with the application and that if the same was found to be false, the seat was liable to be cancelled and further criminal action could also be initiated.....Condition 10 of the prospectus cautioned the candidates to read it carefully along with parent/guardian, before filling up the same and also to ensure that the candidates possessed eligibility criteria before submitting the application. In my view no



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candidate can, in a case such as the present one, claim as a matter of legal right consideration of his/her candidature by submitting fresh/rectified certificate. Production of the fake certificate goes to the root of eligibility of the candidate. So, in my view, the claim of the petitioner to permit her to continue the course on the basis of the fresh certificate cannot be countenanced. The contention of the learned counsel for the petitioner in this regard is directly answered by the judgment of the Hon'ble Supreme Court, relied on by the learned counsel for the respondent, in the case of Union Public Service Commission Versus Gaurav Singh and Others, reported in 2024 (2) SCC 605 and in the case of Divya Versus Union of India and others, reported in 2024(1) SCC 448.

In 2024 (2) SCC 605, the Hon'ble Supreme Court in para 20 and 21 held as follows:

“20. The respondent-writ petitioners were required to submit certificates for the relevant financial year. The negligence of the respondent-writ petitioners in not checking if the certificate related to the correct financial year, cannot be lightly brushed aside as inadvertent lapses of the certifying authority. A candidate applying for a post pursuant to an advertisement, cannot afford to be negligent. Documents required to be submitted have to be carefully checked by the candidate concerned before submission. An appointing authority proceeds on the basis of what is stated in a certificate. When a certificate pertains to a different financial year, the same is liable to be outright rejected. No candidate can, in such case, claim any legal right to reconsideration of his/her candidature by submission of a fresh certificate and/or rectified certificate.

21. Where appointments are made to a large



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number of vacancies from amongst lakhs of candidates and there are errors which go to the root of eligibility, the courts ought not to interfere, particularly in an age of computerisation where documents are scanned, compared, classified and stored electronically. It may be pertinent to note that certificates are necessarily issued on the basis of the date furnished by the applicant after enquiry. The appointment authority could not have proceeded on the presumption of an inadvertent error in the certificates. The possibility that the Income and Assets Certificates might have reflected income for a part of the financial year mentioned in the certificate could not have been ruled out.”

Though the judgment relates to appointments, the principles laid therein apply to the case at hand. The said judgment was followed in 2024 (1) SCC 448. ”

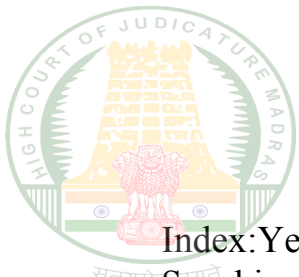
10. In view of the identity of facts and law with the case in W.P.No.36396 of 2024, I am of the view that the ratio laid therein squarely applies to the facts of this case.

In view of the above discussions, I find no merit in this writ petition and hence, it is dismissed as devoid of merits. No costs. Connected C.M.Ps. are closed.

24.04.2025

nsd

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

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

2.Selection Committee,
Directorate of Medical Education & Research,
Kilpauk, Chennai – 600 010.

3.The Dean,
Madha Medical College Research Institute,
Kundrathur Road, Kovur,
Chennai – 600 128.



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N.MALA, J.

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