



WEB COPY

W.P.No.18



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 17.03.2025

Coram:

THE HONOURABLE MRS.JUSTICE N.MALA

W.P.No.18507 of 2022

M/s.Mohammed Irfan,
S/o.Mohammed Shafi,
No.16, New No.5/A, Gangadharan Street,
Thirupathur Taluk and District.

... Petitioner

Vs.

1. The Principal Secretary Health and Family Department,
Secretariat,
Chennai 600 009.

2.The Director,
Directorate of Medical Education,
Kilpauk,
Chennai- 600 010.

3.The Principal,
Government Medical College and Hospital,
Dharmapuri- 636 701.

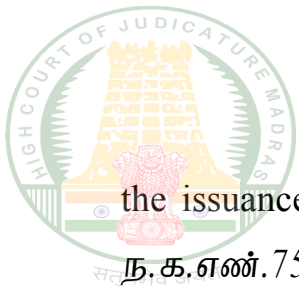
4.The Deputy Superintendent of Police,
Crime Branch CID, Madurai Range,
Madurai.

(R-4 Suo Motu Impleaded
Dt.11.10.2022 Made in W.P.18507/2022)

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India, praying for

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the issuance of Writ of Certiorarified Mandamus, to call for the records in letter no. ந.க.எண்.7525/மக 1/2019, dated 20.05.2020 of the 3rd Respondent, quash the same and direct the 3rd respondent to release the Transfer Certificate, 10th Standard and 10 +2 Mark Statements immediately to the petitioner.

For Petitioner : Mr.R.Swarnavel

For Respondents : Mr.E.Sundaram,
Government Advocate
for RR 1 to 3

Mr.L.S.M.Hasan Fazil,
Additional Government Pleader
for R4

ORDER

The writ petition is filed for issuance of a Certiorarified Mandamus to quash the impugned order, dated 20.05.2020, of the 3rd respondent and for consequential direction to the 3rd respondent to release the Transfer Certificate, 10 +2 mark sheets to the petitioner.

2. The petitioner joined the MBBS course in 3rd respondent college in the year 2016-2017. The petitioner had to discontinue the course, due to allegation of impersonation in the NEET examination. Before joining the 3rd respondent college in the year 2016-2017, petitioner joined PRIMS Medical College, at Kancheepuram, under Management Quota. Due to the introduction of NEET prequalification exam in that



year, the petitioner was unable to continue the MBBS course in the said college.

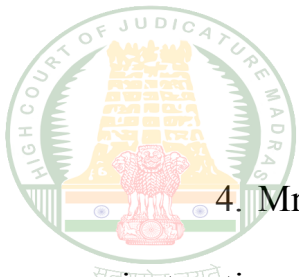
Meanwhile, PRISM University moved a writ petition before this Hon'ble Court, on behalf of the students, assuring the petitioner that he would be permitted them to pursue his MBBS Course, shortly. During the pendency of the writ petition, the petitioner in order to save time joined and pursued his Medical education, in a college, in Mauritius. In 2018, the petitioner received an intimation letter from the Medical Council of India, directing him to participate in the counseling for admission for MBBS Course, for the academic year 2019-2020. The petitioner was also instructed to produce at the time of his admission, his original Transfer certificate, 10th, and 10+2 original certificates for verification. The petitioner returned to India with all the certificates. After submitting an undertaking to the Mauritius Medical College, the petitioner participated in the counseling held in Chennai, and was allotted a seat in the 3rd respondent college. The petitioner submitted all his original certificates, at the time of joining the college. Soon after joining the college, the petitioner came to understand that the admission was not as a result of the aforesaid case and therefore, the petitioner decided to continue his education in Mauritius, by withdrawing his admission from the 3rd respondent college. The 3rd respondent demanded Rs.10,00,000/- from the petitioner, which the petitioner paid, but unfortunately, the 3rd respondent did not return the petitioner's original certificates. However, the petitioner left for Mauritius, to continue his education there.



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While so, a complaint was filed against the petitioner, before the District Crime Branch, Theni, alleging that the petitioner had gained admission in the 3rd respondent college, for MBBS course by impersonation in the NEET examination. The petitioner had to return to India to attend the enquiry with regard to the above complaint. The petitioner was issued with a warrant in Crime No. 1 of 2019 by the CBCID, Theni. The petitioner surrendered before the jurisdictional magistrate and was released on bail on 01.11.2019, by the Madurai Bench of Hon'ble High Court in Crl.MP(MD).No.15802 of 2019. The petitioner's pass-port was confiscated and surrendered to the jurisdictional magistrate. The petitioner in order to pursue his studies, moved the jurisdictional Magistrate for return of his Passport by filing Crl.MP.No.1890 of 2020. Upon the direction of this court in Crl.O.P(MD).No.14797 of 2020, the learned Judicial Magistrate returned the petitioner's passport, on certain terms. The petitioner thereafter requested the 3rd respondent, to return his original certificates to enable him to pursue his studies in Mauritius. The 3rd respondent declined to return his original documents, vide impugned letter dated 20.05.2020, on the ground of pendency of CBCID cases. The petitioner states that the said certificates were not material to the CBCID cases, and so the retention of the certificates was illegal. Therefore petitioner was constrained to file the above writ petition for the aforesaid relief.

3. I heard both side counsels and perused the materials placed on record.



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4. Mr.L.S.M. Hasan Fazil, learned counsel appearing for the 4th respondent, on

instructions submitted the copy of receipt memo dated 01.10.2019. Clause '6' of the

receipt memo relates to the description of the documents handed over by the 3rd

respondent college, to the CBCID. It appears that the following documents were

handed over to the CBCID;

6	Description of property	: 1. Selection Committee, Directorate of Medical Education Tuition / Processing fee dated 10.07.2019 – Original 1 sheet.
		2. Allotment Order MBBS / BDS – 2019-2020 Session, Selection Committee Directorate of Medical Education Chennai- 600 010, dated 10.07.2019 - Original 1 sheet.
		3. National Eligibility Cum Entrance Test (UG) 2019 – National Testing Agency Provisional Admit Card – NEET (UG) 2019 dated 05.05.2019 Xerox copy 1 sheet.
		4. NEET (UG) – 2019, Score Card Xerox copy 1 sheet
		5. Gmail Lotus Flower <flowerlotus792@gmail.com, screen shot and download connected papers Xerox copy 5 sheet.
		6. Govt. Dharmapuri Medical College, Dharmapuri UG – MBBS Course 2019-2020 in the name of student Mohamed Ifran.s. Original pages 1-15.
		7. Passport size photo's of Mohamed Imran – 5.

A perusal of the aforesaid list of documents, makes it is clear that the petitioner's

Transfer certificate, 10th and +2 mark statements were not handed over to the CBCID by



the 3rd respondent college, and as such, they do not form part of the case property.

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5. Under the facts and circumstances of the case, considering that the documents requested by the petitioner, do not form part of the case property in the case pending before CBCID, I find no justification for the 3rd respondent, to retain the petitioner's said documents. The only reason cited by the 3rd respondent in the impugned order is that the CBCID case is pending. In view of the fact that the said documents do not form a part of the case property. I find that the reason cited in the impugned order cannot be sustained. Therefore, the impugned order dated 20.05.2020 is set aside.

6. In view of the above discussions, a direction is issued to the 3rd respondent/Government Medical College and Hospital, Dharmapuri, 636701, to return the petitioner's original Transfer certificate, 10th Standard and 10+2 mark statements within a period of four (4) weeks from the date of receipt of a copy of this order, subject to the condition that, if the 4th respondent requires the documents in the pending CBCID case, the petitioner shall produce the same.

Writ petition is accordingly allowed. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

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Index:Yes/No

Neutral Citation:Yes/No

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Speaking order: Yes/No
dsn/msm

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To

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Secretariat,
Chennai 600 009.

2. The Director,
Directorate of Medical Education,
Kilpauk,
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N.MALA,J.

msm

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