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W.A.No.1601 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on :	30.06.2025
Pronounced on :	14.08.2025

C O R A M:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU
AND
THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN

W.A.No.1601 of 2025
and W.M.P.Nos.11990 & 11991 of 2025

Minor Raseetha Raseema.M,

Rep.by her father K.Mohamed Shah

... Appellant

-VS-

1) The State of Tamil Nadu,

Rep. by the Additional Chief Secretary to

Government, Health and Family Welfare Department,

Chennai 600 009

2) Directorate of Medical Education & Research,

Rep. by its Director,

Kilpauk, Chennai 600 010

3) Selection Committee,

Directorate of Medical Education & Research,

Kilpauk, Chennai 600 010



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4) Panimalar Medical College Hospital

& Research Institute,

Varadharajpuram, Poonamallee,

Chennai 600 123

... Respondents

PRAYER: Writ Appeal filed under Clause 15 of the Letter Patent to set aside the order dated 09.04.2025 passed in W.P.No.36396 of 2024 on the file of this Court.

For Appellant : Mr.Isaac Mohanlal, Sr. Counsel,
For M/s.Ajmal Associates

For RR 1 & 2 : Mr.J.Ravindran, Addl. Adv. General
Assisted by Mrs.M.Sneha, Spl.G.P.

For RR 3 & 4 : Mr.S.Soundarajan

J U D G M E N T

*(Judgment of the Court was made by **J.NISHA BANU, J.**)*

Writ petition in W.P.No.36396 of 2024 was filed by the appellant herein, challenging the cancellation of her candidature under the NRI quota for admission to MBBS course, and this Court, vide its order dated 09.04.2025 has dismissed the request made by her. Aggrieved against the same, the writ petitioner/ appellant has preferred the present writ appeal before this Court.

2. The brief facts that are essential for the disposal of the writ appeal



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are as follows:-

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2.1. The appellant/ petitioner completed her 12th standard in the year 2023-2024 under the Central Board of Secondary Education (CBSE) Curriculum. After qualifying in the National Eligibility cum Entrance Test (NEET) UG for MBBS Course for 2024-25, the appellant appeared for counseling.

2.2. The appellant's maternal uncle, namely, Nazar Ahammed Muhammed Abdul Khadar, is settled in overseas, namely, Saudi Arabia for over a period of 15 years. Being a Non-Resident Indian (NRI), holding a valid Indian passport bearing No.T9965737, the appellant's maternal uncle is the sponsor for the appellant's education, under NRI quota under BC(M) category for MBBS Course.

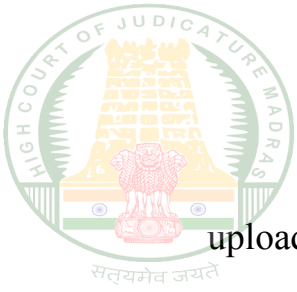
2.3. For applying under the NRI Quota, specific documents proving NRI status, relationship with the NRI sponsor, and financial capacity of the sponsor were required to be submitted along with other documents including the passport of the sponsor before the Indian Embassy situated at the country



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where the NRI resides. Since the appellant's sponsor met with an accident on 25.05.2024 and suffered injuries in his head and hip, he was medically advised not to travel for a period of two months. Therefore, for the purpose of submitting the application for pursuing MBBS Course by the appellant, the appellant's maternal uncle, being the NRI sponsor, has approached an agent for securing the NRI certificate from the Embassy in his country. Thereafter, the appellant's maternal uncle, after obtaining such certificate bearing SAUJ53219224 from the agent on 31.07.2024, sent the same to the appellant for further process. On receipt of the same, the appellant has uploaded the NRI certificate along with other documents for the purpose of obtaining the admission to the MBBS Course. A total fee of Rs.25,81,599/- was paid by the appellant for the admission and an allotment order was issued to the appellant, after which she started attending classes in the fourth respondent College from 14.10.2024 onwards.

2.4. Meanwhile, on 22.11.2024, the appellant's father received a notice vide reference No.231/SCSI (1)/2024 – 4, dated 18.11.2024 from the third respondent Selection Committee alleging that the NRI certificate



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uploaded by the appellant is not genuine and also sought for explanation for such act. Even on the very same day, i.e. on 22.11.2024, the appellant was asked to leave the classroom and vacate the hostel by the fourth respondent college and the third respondent Selection Committee issued the impugned order canceling the appellant's candidature under the NRI Quota. Aggrieved against the same, the appellant filed a writ petition in W.P.No.36396 of 2024 and this Court, vide its order dated 09.04.2025 has dismissed the same, against which the present appeal has been filed.

3. Mr.Isaac Mohanlal, learned Senior Counsel, for M/s.Ajmal Associates appearing on behalf of the appellant made the following submissions:-

3.1.According to the learned Senior Counsel, the sponsor of the appellant, who is the maternal uncle of the appellant himself is not aware of the fact that the NRI certificate obtained through the agent was not genuine. Since he met with an accident on 25.05.2024 and suffered injuries in his head and hip, he was medically advised not to travel for a period of two months. This was the reason for him to approach a third party agent for



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securing the required NRI certificate, which needs to be submitted for the purpose of obtaining admission for MBBS course for the appellant. Only when the third respondent Selection Committee declared that the NRI certificate uploaded by the appellant is not genuine, the appellant's maternal uncle came to know about the same. Thus, according to the learned senior Counsel, the appellant has no intention to misrepresent or provide false documents for obtaining the admission to the course of MBBS.

3.2. Subsequently, the maternal uncle of the appellant filed a formal complaint with the local authorities in Saudi Arabia against the consultant, who provided him with a false NRI certificate, to ensure accountability for the misconduct on the part of the third party agent and the same is pending. That being the case, the appellant's maternal uncle has approached the authorities in person, and has secured a fresh NRI certificate, dated 25.11.2024 for the appellant in this regard.

3.3. The main grievance of the learned senior counsel for the appellant is that the notice dated 18.11.2024 sent by the third respondent Selection



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Committee seeking explanation from the appellant was received only on 22.11.2024 and on the very same day, the fourth respondent College has stopped the appellant from attending the classes and the third respondent Selection Committee, without waiting for the explanation to be submitted by the appellant, has canceled the candidature of the appellant under the NRI Quota, which is illegal and arbitrary.

3.4. The learned Senior Counsel relied upon the following judgments:-

- (i) The Hon'ble Supreme Court in ***Charles K. Skaria and others vs. Dr. C. Mathew and others*** – reported in 1980 (2) SCC 752 pg. no. 761, 762 to 763, Paras 19, 20, 21, 23 & 24 held that proof of having obtained a qualification is different from the factum of having got it. What is essential is the possession of the qualification and what is ancillary is the mode of proof of the qualification. To confuse between a fact and its proof is blurred perspicacity. The Court also held that the method of convenience for proving possession of a qualification is merely directory. The Hon'ble Court also held that a prospectus is not a Scripture;
- (ii) The above said judgment of the Hon'ble Supreme Court



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was followed in *Dolly Chhanda vs. Chairman and others* reported in **2005 (9) SCC 779**;

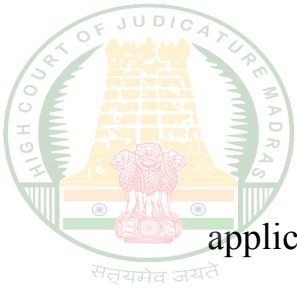
(iii) In *Charles K. Skaria case in Dheerendra Singh Paliwal vs Union PublicService Commissioner*, reported in **2017 (11) SCC 276**;

(iv) In *Food Corporation of India vs. Rimjhim*, reported in 2019 (5) SCC 793, the Hon'ble Supreme Court relied on *Charles K. Skaria case* and *Dolly Chhanda case*; &

(v) *Sweet Kumari vs. State of Bihar*, reported in **2023 SCC Online 1212**.

4. Per contra, Mr.J.Ravindran, learned Additional Advocate General, assisted by Mrs.M.Sneha, learned Special Government Pleader made the following submissions:-

4.1. The learned Additional Advocate General drew the attention of this Court to the prospectus published for the admission to MBBS/ BDS courses for the academic year 2024-25 for the State of Tamil Nadu, with respect to Government seats in Government colleges, Government seats in Self Financing colleges, Management quota including minority / NRI seats in Self financing Colleges. Only if the recommended certificates, as per the prospectus are uploaded on or before the last date of submission of



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application to the third respondent, then the said application will be considered under the NRI quota, if not, then the individuals application shall not be processed under NRI quota. That being the case, since the NRI certificate uploaded by the appellant is found to be not genuine, then, automatically, the same would have a negative impact with regard to consideration of the application under the NRI quota.

4.2. The learned Additional Advocate General brought to the attention of this Court that till the year 2022, the respondents never verified the NRI certificates uploaded by the candidates and only from the year 2022, when the issue of fake NRI certificate came up before this Court in W.P.No.27151 of 2022, this Court vide its order dated 14.11.222 has held that whoever makes an application under the NRI quota, genuineness of those certificates to be confirmed by the Indian Embassy concerned, and only after getting communication from the Embassy concerned, the application shall be processed further and if any ingenuine certificates are found, then the candidature of those applicants who filed such ingenuine NRI certificates can be rejected.

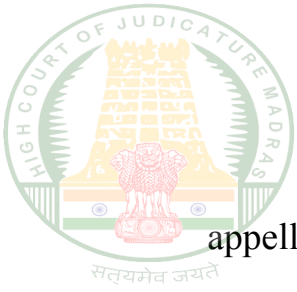


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4.3. Further the learned Additional Advocate General submitted that the usual procedure opted by the 3rd respondent is that it will send for NRI certificate verification of all candidates to various countries and will collect the information. After the counseling for MBBS/BDS is over for the state, the said information will be gathered and cancellation order will be sent. Likewise on 18.11.2024 notices to all candidates, whose certificate was forged, (who are in 8 Nos) as to cancellation of their candidature was sent by the third respondent. Thereafter, after considering their explanation, allotment order to the allotted candidates will also be canceled accordingly by the third respondent, similar to what happened in the case of the appellant herein.

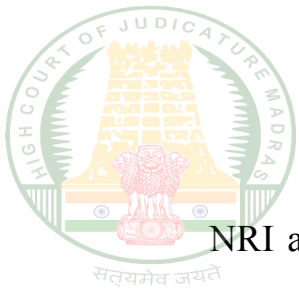
4.4. While being so, the Directorate General of Health Services (DGHS) had permitted the State to conduct special stray vacancy for the 50 newly created seats and lapsed seats. In order to ensure that the allotted seats which are to be canceled due to fake certificate can also be pooled in to the special stray, on 18.11.2024, the 3rd respondent had called upon the



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appellant to give her explanation. On 22.11.2024, the candidature of the appellant was alone canceled and not her allotment order, which means the candidate could participate in the special stray in open quota. Only after the appellant had submitted her explanation on the morning of 25.11.2024 the cancellation of allotment order was passed on 25.11.2024.

4.5. According to the learned Additional Advocate General, as on the date of submission of application, the appellant had fake NRI certificate and based on the said fake certificate, she has illegally obtained the NRI seat, which as per the prospectus is liable to be cancelled. He further stated that having committed an illegal act, now claiming that she was not given an opportunity to explain her case, can never be considered. As per the prospectus, the allotment order is to be cancelled, if the NRI certificate of the allotted candidate has been found to be fake. Even though the appellant was eligible for NRI quota, the certificate uploaded by the appellant was found to be fake and production of genuine NRI certificate subsequent to the last date of application, i.e. after the close of counseling will never be considered, since there are numerous students, who are though eligible for



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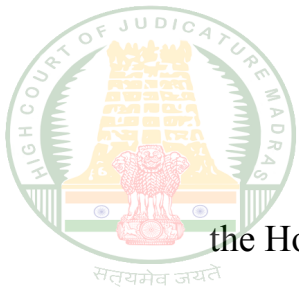
NRI admission, were not considered since they were not in possession of the said certificate on the date of submission of the application.

4.6. The learned Additional Advocate General relied upon the judgment in ***Divya vs. Union of India & others*** passed by the Hon'ble Supreme Court reported in (2024) 1 SCC 448, wherein it has held as follows:-

“Impermissibility of Selective Relaxation:

58. In this case, rules clearly exist in the form of CSE-2022. It has also been settled that determination of eligibility cannot be left uncertain till the final stages of selection, since that would lead to uncertainty. Further, it is well settled that if rules prescribe the last date on which eligibility should be possessed, any relaxation would prejudice non-applicants who for want of possession of eligibility would not have applied. Relaxation would then be selective, leading to discrimination”.

4.7. The learned Additional Advocate General further submitted that the Honourable Apex court had failed to condone the technical irregularity committed by authorities in issuing certificates, but here is the case of production of fake certificate for NRI admission. In ***Union Public Service Commissioner vs. Gaurav Singh and others*** reported in (2024) 2 SCC 605



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the Hon'ble Apex Court has held as follows:-

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“17. By directing the appellant to permit the respondent writ petitioners to appear in their interviews, considering them as candidates in the category of EWS, the High Court, in effect, held that the respondents writ petitioners fulfilled the eligibility criteria of reservation for the EWS. Moreover, by directing that the writ petitioners be given the opportunity to produce the corrected certificates, within a reasonable time after the interview, the High court purported to extend the crucial date for the Income and Asset certificates well over a year beyond 16.8.2019.

18. A technical irregularity in a certificate issued by the competent authority in respect of the correct financial year cannot be equated with an Income and Asset Certificate in respect of a different financial year, when the income and assets for the particular financial year prior to the year of submission of the application, goes to the root of eligibility of the candidate to qualify in the EWS category....

23. In our considered opinion, the High court fell in error in directing that all the respondent writ petitioners be treated as EWS candidates, even though



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the respondent writ petitioners 2 and 4 were ineligible in terms of the notification in that they had filed certificates relating to a later financial year....."

4.8. Therefore, the learned Additional Advocate General submitted that the certificate in possession of the appellant at present and the one uploaded by her, which was declared as fake by the respondents are different and therefore, as on that date of uploading of certificate, the appellant was not having or not in possession of a proper NRI certificate and therefore, she is not eligible under the NRI-quota admission, and therefore, prayed for dismissal of the appeal.

5. Heard the learned Senior Counsel appearing for the appellant and the learned Additional Advocate General appearing for the respondents and perused the materials placed before this Court.

6. Admittedly, the appellant being a meritorious student, had cleared the NEET examination and applied for admission to the MBBS course for the academic year 2023-2024 under the NRI quota. The appellant's application was supported by an NRI Sponsorship Certificate purportedly



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issued by the competent authority, on behalf of her maternal uncle, who is the NRI sponsor. The said sponsor, being an NRI, had met with a grievous accident and was medically advised strict rest and avoidance of travel for a minimum period of two months. Owing to his inability to travel personally to the issuing authority, the sponsor has engaged the services of an agent to procure the NRI certificate. The sponsor, acting in good faith and unaware of any irregularities, forwarded the certificate so procured to the appellant for submission to the Selection Committee. Subsequently, the Selection Committee and the respondent College, upon verification, declared the certificate to be fabricated and consequently rejected the appellant's candidature.

7. Upon learning of the defect, the sponsor, personally visited the concerned authority and obtained a valid NRI Certificate, which has been produced before the respondent College. It is undisputed that the appellant herself had no role in procuring the initial defective certificate, nor any knowledge of its falsity. The rejection of candidature amounts to an arbitrary deprivation of the appellant's right to be considered for admission,

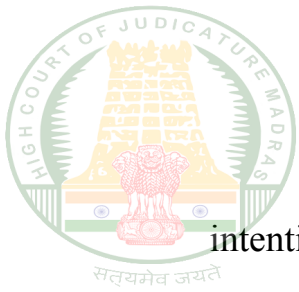


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particularly when she has now produced a genuine NRI Certificate, and that the earlier lapse was neither deliberate nor attributable to her.

8. The principle of *Ignorantia facti excusat* invites our attention in this case. The appellant is an innocent beneficiary of the sponsorship and cannot be saddled with the consequences of an act done by the sponsor in good faith but through an unreliable intermediary. This Court is of the considered view that the appellant, being an innocent recipient of the sponsorship, cannot be penalised for the inadvertent submission of an irregular document, particularly when the said irregularity has been promptly rectified by the subsequent production of a genuine NRI certificate issued by the competent authority. Moreover, there is no material to suggest that the appellant had any knowledge of, or complicity in, the submission of the initial defective certificate. Therefore, the subsequent production of a genuine NRI Certificate issued by the competent authority removes the very basis on which her candidature was rejected.

9. The appellant's actions demonstrate her good faith. She didn't



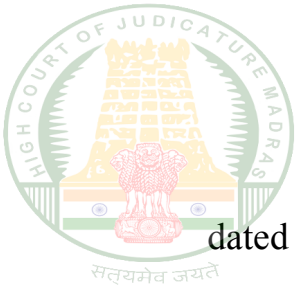
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intentionally submit a fake document to gain an unfair advantage. Her immediate and swift action to get a correct certificate as soon as the issue came to light is a powerful testament to her bona fide intention. The principle of fairness requires that technical lapses, not involving malafides or fraud on the part of the candidate, ought not to result in denial of a valuable academic opportunity, particularly when the statutory eligibility conditions are otherwise fulfilled. Moreover, the fact that she "eventually got a correct certificate from proper authorities to safeguard her studies" is the most compelling evidence of her innocence. It shows that she was not a willing participant in the fraud but rather a victim of it.

10. In light of the above, this Court is of the view that the rejection of the appellant's candidature is unsustainable in law and on facts and the respondents have acted without considering the mitigating circumstances and without affording the appellant a reasonable opportunity to explain and rectify the defect. Accordingly, the Writ Appeal stands allowed with the following directions:-

(a) The impugned order of the Selection Committee/3rd respondent



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dated 22.11.2024 made in Ref.No.231/SCSI(1)/2024-5 rejecting the

appellant's candidature is hereby quashed;

(b) The respondent College is directed to accept the genuine NRI Certificate now produced and consider the appellant's candidature for admission to the MBBS course under the NRI quota for the academic year 2024-25, in accordance with law.

(c) The above exercise shall be completed forthwith on receipt of a copy of this judgment by the college authorities. No costs. Consequently, connected miscellaneous petitions are closed.

(J.N.B.J.,)

(M.J.R,J.,)

14.08.2025

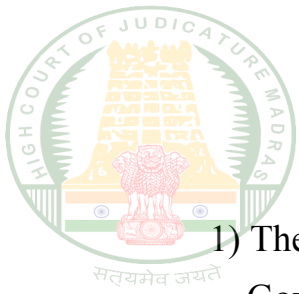
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Internet: Yes / No

Speaking Order / Non Speaking Order

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To:



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1) The Additional Chief Secretary to
Government, Health and Family Welfare Department,
Chennai 600 009

2) The Director,
Directorate of Medical Education & Research,
Kilpauk, Chennai 600 010

3) Selection Committee,
Directorate of Medical Education & Research,
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4) Panimalar Medical College Hospital
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Chennai 600 123



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J.NISHA BANU, J.
AND
M.JOTHIRAMAN, J.
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Judgment made in
W.A.No.1601 of 2025

Dated:
14.08.2025

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and W.M.P.Nos.11990 & 11991 of 2025

WEB COM **M.JOTHIRAMAN, J.**

I have had the benefit of going through the opinion of the respected sister (HON'BLE MRS.JUSTICE J.NISHA BANU). I agree with the reasoning and conclusion reached by Her Ladyship. However, in the peculiar facts and circumstances of the case, I respectfully, before parting with this matter, express my opinion as follows.

2. From the narration of the facts before the Writ Court, it is clear that on the date of application, the appellant did not possess a valid NRI certificate. Further, the appellant secured another NRI certificate and even according to her is a genuine certificate, which clearly proves that the NRI certificate earlier produced by the appellant was a fake one.

3. Under clause (vii) of condition 8 of the prospectus would reveal that NRI certificate should be uploaded with the application and that if the same was found to be false, the seat was liable to be canceled and further criminal action could also be initiated. As the appellant produced a fake



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certificate along with the application, as per the conditions enumerated in the prospectus, the authorities were well within right to cancel the candidature/admission. Further, 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.

4. The possession of NRI certificate on the last date of application goes to the very root of eligibility of the candidate. Admittedly, the certificate in possession of the appellant on the last date of application and the one uploaded by her was fake and therefore, as on that date, she having not possessed with NRI certificate is not eligible for NRI admission. If the appeal is allowed, it would permit an ineligible candidate on the last date of submission of application to take admission and it would amount to permit the candidate, who had produced a fake certificate to obtain admission, which will result in great injustice to the deserving candidates, who possess a valid NRI certificate.



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5. However, considering the peculiar circumstances of the case, this

Court is inclined to consider the case of the appellant. It is made clear that the judgment is passed in the peculiar circumstances of the case to mitigate the plea of the student, who is before us and who knocked the door of the Court. It is further made clear that similarly situated candidates would not be entitled to claim the same benefit by citing this judgment as a precedent, as this case is decided on its own merits.

(M.J.R.J.)
14.08.2025

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