



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26-03-2025

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THE HONOURABLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

WA No. 2669 of 2024

M.Sujatha

Appellant(s)

Vs

1.National Medical Commission
Rep. by its Secretary,
Undergraduate Medical Education
Board, Pocket-14, Sector-8,
Dwarka, phase-I, New Delhi - 77.

2.National Board of Examinations in
Medical Sciences
Rep. by its Chairperson,
Medical Enclave, M.G.Marg,
Ring Road, Ansari Nagar,
New Delhi - 110 029.

Respondent(s)

WA No. 2669 of 2024

PRAYER



To set aside the impugned order dated 05-07-2024 in WP.No.3859/2024.

WA No. 2669 of 2024

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For Appellant(s): Mr.N.Subramaniyan

For Respondent(s): Ms. Subharanjani Ananth
For R1

JUDGMENT

(Judgment was delivered by S.M.Subramaniam J.)

The Intra-Court appeal on hand has been instituted by the unsuccessful writ petitioner. The application submitted by the appellant before the 1st respondent National Medical Commission, having been rejected, the writ petition came to be instituted.

2. The issue mainly raised is whether the Diploma in Pharmacy set to have been possessed by the appellant is equivalent to the Biology subject in the +2 examination. The facts remains that the appellant has not studied Biology subject in her +2 course but later passed Diploma in Pharmacy. She secured admission to an MBBS course in foreign country (Kyrgyztan) and after completing the course, submitted an application before the 1st respondent for an eligibility certificate to register her name with the National Medical



Commission (NMC). As per the regulations, the eligibility certificate must be obtained prior to securing admission to MBBS course in any foreign countries.

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However, in the present case, the appellant completed the MBBS course in a foreign country and submitted an application seeking a No Objection Certificate (NOC). The very application per se is untenable and violative of regulations.

3. The Writ Court has adjudicated the issues and found that the appellant has manipulated the mark statements of issued by the Board for Higher Secondary Education and the relevant paragraphs are as under:

“43. Coming to the argument on equivalence, no application has been made by the petitioner seeking equivalence and in such circumstances, I cannot find fault with R1 for not having looked into the question of equivalence. The mere mention in the application form of D.Pharm would hardly suffice and it would be asking too much of an authority to take action in regard to equivalence merely by virtue of a passing reference in the application. This argument is also rejected.

44. Though I have adverted to the legal issues



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WA No. 2669 of 2024



in depth, I address peripherally, for the sake of completion, the issue with regard to manipulation of documents as well. This Court is hard~pressed to accept the justification put forth in regard to the manipulation of documents.

45. In the interests of clarity, I chronicle the manipulation again. The petitioner had submitted an application bearing no. No.R.15012/022376/2022 □ Regn. dated 15.07.2022, accompanied with a 12th standard mark sheet wherein the words □computer science□had been masked and the word □blogy□ inserted to make it appear that the petitioner had the required eligibility.

46. This application was rejected vide order dated 16.08.2023 that reads thus:

□ *'Section Decision: Reject Section Remarks: The documents as submitted by you are found forged or fabricated and found inconsistent from each other in online portal are does not seem identical. Hence, the application stand closed/rejected.'*

47. The second application form bearing No.R.15012/026566/2023 □Regn. dated 30.08.2023 came to be rejected vide order dated 01.02.2024, the



WEB COPY

WA No. 2669 of 2024



contents of which have been extracted at paragraph 8 above.

48. The entire blame in regard to the admitted manipulation has been laid upon a staff of the browsing centre. This Court is entirely unconvinced as to why the staff of a browsing centre would manipulate the petitioner's application unilaterally unless instructed to do so. However, since the legal, and other substantive issues have been decided adverse to the petitioner, I see no reason to dilate upon this aspect of the matter and leave this issue at that."

4. The learned Single Judge has found that the appellant has committed serious manipulations by tampering with the mark statements and further provided false informations in the applications.

5. The learned counsel for the respondent would solicit the attention of this Court with reference to the contradictions, forgeries and fabrications committed by the appellant at various stages, which have been clearly set out in



counter filed by the respondent before the Writ Court. The fabrications, forgeries are as follows:

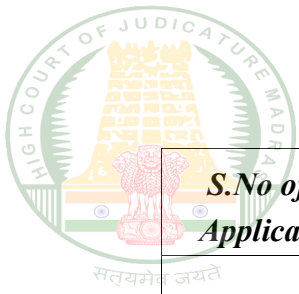
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<i>S.No of the Applications</i>	<i>Application ID: R.15012/022376/2022</i>	<i>Application ID: R.15012/026566/2023</i>
	Date of Submission: 15.07.2022	Date of Submission: 30.08.2023
9.	Aadhar No: 9036 4718 7438	Aadhar No: 9036 4718 7138
12.	Category: Other Other Category: BCC	Category: SC Other Category: NA
13.	Visible Identification Marks: 1. Right side Neck Scar 2. Mole on Nose	Visible Identification Marks: 1. Mole on the left ring finger 2. Neck Scar on the right side
17.	11 th Class Details <u>Certificate</u> <i>Date:</i> 06.03.2017 <u>Maximum Marks:</u> <u>English:</u> 200 (Theory), NA (Practical) <u>Physics:</u> 200 (Theory), NA (Practical) <u>Chemistry:</u> 200 (Theory), NA (Practical) <u>Biology:</u> 200 (Theory), NA (Practical) <u>PCB Total:</u> 600 (Theory), NA (Practical) <u>Marks Obtained:</u> <u>English:</u> 104 (Theory), NA (Practical) <u>Physics:</u> 109 (Theory), NA (Practical) <u>Chemistry:</u> 105 (Theory), NA (Practical) <u>Biology:</u> 176 (Theory), NA (Practical) <u>PCB Total:</u> 390 (Theory), NA (Practical) <u>Result(%)</u> <u>English:</u> 52.00	11 th Class Details <u>Certificate</u> <i>Date:</i> 25.05.1994 <u>Maximum Marks:</u> <u>English:</u> 200 (Theory), NA (Practical) <u>Physics:</u> 150 (Theory), 50 (Practical) <u>Chemistry:</u> 150 (Theory), 50 (Practical) <u>Biology:</u> 70 (Theory), 30 (Practical) <u>PCB Total:</u> 370 (Theory), 130 (Practical) <u>Marks Obtained:</u> <u>English:</u> 119 (Theory), NA (Practical) <u>Physics:</u> 73 (Theory), 37 (Practical) <u>Chemistry:</u> 61 (Theory), 38 (Practical)



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<i>S.No of the Applications</i>	<i>Application ID: R.15012/022376/2022</i>	<i>Application ID: R.15012/026566/2023</i>
	<u>Physics:</u> 54.50 <u>Chemistry:</u> 52.50 <u>Biology:</u> 88.00 <u>PCB Total:</u> 65.00	<u>Biology:</u> 52 (Theory), 18 (Practical) <u>PCB Total:</u> 186 (Theory), 93 (Practical) <u>Result(%)</u> <u>English:</u> 59.50 <u>Physics:</u> 55.00 <u>Chemistry:</u> 49.50 <u>Biology:</u> 70.00 <u>PCB Total:</u> 55.80
18.	12 th Class/ Intermediate or 10+2 details <u>Maximum Marks:</u> <u>English:</u> 200 (Theory), NA (Practical) <u>Physics:</u> 200 (Theory), NA (Practical) <u>Chemistry:</u> 200 (Theory), NA (Practical) <u>Biology:</u> 200 (Theory), NA (Practical) <u>PCB Total:</u> 600 (Theory), NA (Practical) <u>Marks Obtained:</u> <u>English:</u> 119(Theory), NA (Practical) <u>Physics:</u> 110 (Theory), NA (Practical) <u>Chemistry:</u> 99 (Theory), NA (Practical) <u>Biology:</u> 181 (Theory), NA (Practical) <u>PCB Total:</u> 390 (Theory), NA (Practical) <u>Result(%)</u> <u>English:</u> 59.50 <u>Physics:</u> 55.00 <u>Chemistry:</u> 49.50 <u>Biology:</u> 90.50 <u>PCB Total:</u> 65.00	12 th Class/ Intermediate or 10+2 details <u>Maximum Marks:</u> <u>English:</u> 200 (Theory), NA (Practical) <u>Physics:</u> 150 (Theory), 50 (Practical) <u>Chemistry:</u> 150 (Theory), 50 (Practical) <u>Biology:</u> 70 (Theory), 30 (Practical) <u>PCB Total:</u> 370(Theory), 130 (Practical) <u>Marks Obtained:</u> <u>English:</u> 119(Theory), NA (Practical) <u>Physics:</u> 73 (Theory), 37 (Practical) <u>Chemistry:</u> 61 (Theory), 38 (Practical) <u>Biology:</u> 52 (Theory), 18 (Practical) <u>PCB Total:</u> 186 (Theory), 93 (Practical) <u>Result(%)</u> <u>English:</u> 59.50 <u>Physics:</u> 55.00



<i>S.No of the Applications</i>	<i>Application ID: R.15012/022376/2022</i>	<i>Application ID: R.15012/026566/2023</i>
		<u>Chemistry</u> : 49.50 <u>Biology</u> : 70.00 <u>PCB Total</u> : 55.80
19.	B.Sc or any other University Examination: NA	B.Sc or any other University Examination: College: Tirupur Kalaimagal College of Pharmacy Date of Joining: 2000 Date of Passing: 2002

6. Relying on the contradictions in the mark statements and the documents produced by the appellant, the Writ Court found that the manipulations resulted in rejection of the application by the respondents, and thus, there is no infirmity. The appellants studied Computer Science in the +2 course but erased the subject and mentioned as Biology .

7. The learned counsel for the respondent would further submit that upon verification it is found that the appellant is not the bona fide student of the school in which she allegedly completed her school education. The entire facts produced by the appellant before the authorities were found to be false and



frivolous, and the documents were found to be forged and manipulated.

Pertinently, those documents were produced before the Writ Court for consideration. A person approaching the Court with unclean hands is not entitled for any relief from the Courts. Documents found to be fabricated and manipulated by the litigant are sufficient grounds for the purpose of rejecting the writ petition at the outset, without going into the merits of the matter.

8. This being the principles to be followed the learned Single Judge considered the matter and found the application submitted by the appellant before the respondent are rightly rejected. Normally, the Courts in such circumstances would recommend criminal prosecution. However, by taking a lenient view, this Court is not inclined to go to such an extent. On merits the appellant has not established even a semblance of a legal right for the purpose of assailing the writ order impugned.



9. Accordingly, the Writ Appeal stands dismissed. Consequently, the connected Miscellaneous Petition is closed. There shall be no order as to costs.

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(S.M.SUBRAMANIAM J.)(K.RAJASEKAR J.)

26-03-2025

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



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WA No. 2669 of 2024



WA No. 2669 of 2024

To

1.National Medical Commission
Rep. by its Secretary, Undergraduate
Medical Education Board, Pocket-14,
Sector-8, Dwarka, phase-I, New Delhi -
77.

2.National Board of Examinations in
Medical Sciences
Rep. by its Chairperson, Medical
Enclave, M.G.Marg, Ring Road, Ansari
Nagar, New Delhi - 110 029.



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**S.M.SUBRAMANIAM
J.
AND
K.RAJASEKAR J.**

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