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WP NO. 27428 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.04.2025

CORAM

THE HONOURABLE MRS JUSTICE N. MALA

WP NO. 27428 of 2024

and W.M.P.No.29936 of 2024

Pasumalai Balaboomi Poojika

..Petitioner

Vs

1.The Additional Director (Medical)

Department of Examinations Conduct

National Board of Examinations in Medical Sciences

Ansari Road, Mahatma Gandhi Marg(Ring Road)

New Delhi – 110 029.

2.The Tamil Nadu Medical Council,

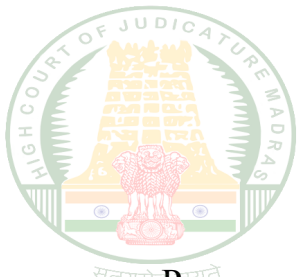
959 & 960, Poonamallee High Road,

Muthu Kumaran Nagar,

Purasaiwakkam,

Chennai, Tamil Nadu 600084

..Respondents



WP NO. 27428 of 2024

Prayer : Writ Petition is filed under Article 226 of Constitution of India for issuance of writ of Certiorarified Mandamus, to call for the records relating to the order dated nil in ref.NBEMS/DoEC/51022/VII/June, 2023/2311103340/2024/73768-73800 of the 1st respondent and the order dated 27.08.2024 in ref.NBEMS/DoEC/51022/VII/June, 2023/2311103340/2024/73759 of the 1st respondent, quash the same and consequently direct the 2nd respondent herein to register the petitioner in the rolls of the 2nd respondent by verifying the certificates uploaded by the petitioner on 02.11.2023.

For Petitioner(s): Mrs.A.L.Gandhimadhi,
Senior Advocate
for M/s.S.Meenakshi

For Respondent(s): Mr.V.P.Raman for R1
Mr.J.Ravindran, AAG
Assisted by Mr.U.Baranidharan
Standing Counsel

ORDER

Writ petition is filed for writ of Certiorarified Mandamus, to call for the records relating to the order dated nil in ref.NBEMS/DoEC/51022/VII/June, 2023/2311103340/2024/73768-73800 of the 1st respondent and the order dated 27.08.2024 in ref.NBEMS/DoEC/51022/VII/June, 2023/2311103340/2024/73759 of the 1st respondent, quash the same and consequently direct the 2nd respondent herein to register the petitioner in the rolls of the 2nd respondent by verifying the certificates uploaded by the petitioner on 02.11.2023.



WP NO. 27428 of 2024

WEB COPY 2. The petitioner joined Doctor of Medicine in the year 2016, in the University of Perpetual help System, Laspinas Campus, Phillipines and got her Apostille from the Department of Affairs, Philippines in the year 2021. Thereafter, she applied for National Board of Examination, in Medical Science (in short 'NBEMS') under the Ministry of Health and Family Welfare, Government of India, in June 2023, for the purpose of practising medicine in India. The screening pass certificate was issued by NBEMS which is under the Ministry of Health, Government of India, on 14.09.2023.

3. After successfully passing the National Board Examination in Medical Science for Foreign Medical Graduates, on 02.10.2023, the petitioner applied online to the Tamil Nadu Medical Council (in short 'TNMC') to get herself registered with it. Due to inadvertence, she uploaded incomplete educational documents with an online verified image screen shot of the Apostille certificate taken from an old DFA Link, in October 2021. On 26.10.2023, the petitioner was asked by the Registrar of TNMC to resubmit fresh checked Apostille certificate. On 02.10.2023, the petitioner uploaded the scanned copy of physical Apostille Certificate and other documents to the TNMC. The petitioner also informed the same through E-mail, to the second



WP NO. 27428 of 2024

respondent on 01.11.2023. Thereafter, the petitioner was asked to appear

before the 2nd respondent on 31.01.2024, along with the certificates and passport.

4. When the petitioner appeared before the 2nd respondent, she was orally informed that her Apostille Certificate was fake. The petitioner sent an email on 03.02.2024, to the Department of Foreign Affairs, Philippines, to verify the genuineness of her Apostille certificate issued by the DFA/Phillippines, for which she received a reply on 05.02.2024, from the DFA Department of Foreign Affairs, Phillippines, stating that the Apostille certificate presented to them by the petitioner was authentic. The DFA Philippines, also sent an E-mail to Indian Embassy Manila, that the certificate was an authenticated Apostille Certificate. However, on 12.02.2024, the petitioner received an E-mail from the Department of Foreign Affairs, Philippines, confirming that the earlier Apostille certificate, presented to them by Indian Embassy, Manila on November 2023, was not the same as that presented on February 2024. The petitioner then came to understand that the 2nd respondent had not sent her correct Apostille certificate to the Indian Embassy.



WP NO. 27428 of 2024

5. The petitioner came to understand that she had uploaded inadvertently the screen shot image of the Apostille certificate which was taken in the year 2021 from the DFA URL link. The said DFA URL link was modified by the Government of Philippines, after the year 2022 and due to system transition in DFA URL link, the mistake occurred. While so, the 2nd respondent lodged a criminal complaint against the petitioner and a FIR was registered for the offences under Sections 417, 465, 468 and 471 of IPC. While so, the second respondent vide letter dated 23.05.2024, informed the 1st respondent that the Apostille certificate submitted by the petitioner was spurious and so, the 1st respondent passed the impugned order dated 27.08.2024. Aggrieved by the same, the present writ petition is filed.

6. The first respondent filed a detailed counter stating that the petitioner produced 2 Apostille certificates one issued in October 2023 and other in November 2023. The certificate produced by the petitioner issued in October 2023 was found to be spurious.

7. The 2nd respondent therefore issued a letter bearing No.TNMC/G.No.45/2024, dated 23.05.2024, intimating NBEMS that during verification of documents by India Embassy, Manila, it was found that the



WP NO. 27428 of 2024

petitioner's Apostille certificate was spurious and so, the 2nd respondent

lodged a criminal complaint. According to the 1st respondent though the petitioner produced an email from DFA Philippines mentioning that the certificate was authentic, the DFA Philippines in response to the 2nd respondent's letter, did not confirm the same. In such circumstances, it was submitted that the NBEMS would take a final decision on recalling the FMGE pass certificate of the petitioner after confirmation. The 1st respondent submitted that as the matter was pending before NBEMS-EEC for a final decision, the petitioner's Writ petition was premature and hence, the same was liable to be dismissed.

8. Though the second respondent filed a detailed counter, under the facts and circumstances, I feel it is not necessary to refer to the counter of the second respondent.

9. It is not in dispute that the FMGE pass certificate was issued by the first respondent to the petitioner. Though the first respondent recalled the FMGE pass certificate on the basis of the complaint of the second respondent, to give an opportunity to the petitioner, a clarification was sought for on the validity of the Apostille certificate produced by the petitioner from DFA



WP NO. 27428 of 2024

Philippines. During the pendency of the writ petition, DFA Philippines vide

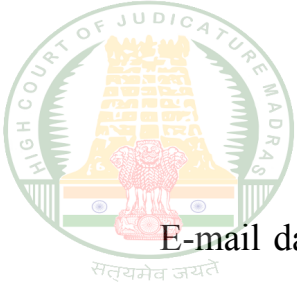
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its E-mail dated 03.02.2025, clarified that the Apostille certificate of the petitioner dated 05.02.2024, was the actual certificate and the Apostille certificate sent on 30.11.2023, was not the original certificate and may have been downloaded online.

10. It is relevant to extract the E-mail dated 03.02.2025, which reads as follows:

"4.Subsequently Ms.Poojika approached the DFA regarding the authenticity of her documents, and DFA confirmed the authenticity of the documents to her directly via email dated 05 February, 2024 and copy was also sent to Embassy. The Embassy subsequently took up the matter with the Department of Foreign Affairs via email dated 06 February 2024 and sought with them by Ms.Poojika on 5 February 2024, was the actual certificate and the Apostille certificate sent on 30 November 2023 was not the actual certificate, and may have been downloaded online. They apologized for the confusion."

11. Considering the above facts and circumstances of the case, I am of the view that it would be appropriate to issue a direction to the first respondent to take a final decision on the petitioner's Apostille certificate in the light of the



WP NO. 27428 of 2024

E-mail dated 03.02.2025, of the DFA Phillipines, within a period of 6 weeks

from the date of receipt of a copy of this order.

12. With the above observation, this Writ Petition is disposed of.

No costs. Consequently, connected miscellaneous petition is closed.

09.04.2025

Index :Yes/No
Internet :Yes/No
msv

To

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Department of Examinations Conduct

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New Delhi – 110 029.

2.The Tamil Nadu Medical Council,

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WP NO. 27428 of 2024

N. MALA, J.

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