



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.08.2025

WEB COPY

CORAM

THE HON'BLE MR JUSTICE M. SUNDAR

AND

THE HON'BLE MR.JUSTICE T. VINOD KUMAR

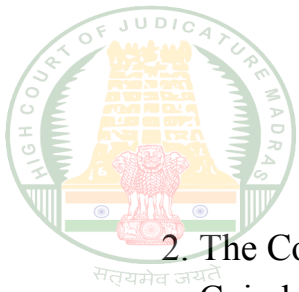
WA No. 2464 of 2025

and C.M.P.No.19018 of 2025

1. The State of Tamil Nadu
Rep. by the Additional Chief Secretary to Government
Health and Family Welfare Department
Chennai-600 009.
 2. The Directorate of Medical Education and Research
Rep. by its Director
Kilpauk, Chennai-600 010.
 3. The Additional Director
Directorate of Medical Education and Research College Road
Chennai-600 006.
 4. The Secretary
The Selection Committee Directorate of Medical Education and
Research
No.162, Periyar E.V.R.High Road,
Kilpauk, Chennai-600 010.
 5. The Tahsildar
Taluk Office,
Coimbatore South Gopalapuram
Coimbatore - 641 018.
- ... Appellants

Vs

1. Arjun PV
S/o.Surendran



WEB COPY

2. The Commissioner of Police
Coimbatore

3. The Inspector of Police
B3VH Road Police Station
Coimbatore

... Respondents

(R2 and R3 *suo motu* impleaded vide this order)

Writ Appeal filed under Clause 15 of Letters Patent against the order dated 01.08.2025 passed in W.M.P.No.32841 of 2025 in W.P.No.29298 of 2025.

For Appellant(s): Ms.Sneha M

For Respondents: Mr.P.Godson Swaminath
M/s.Isaac Chambers (Law Firm) for R1

Mr.Santhosh Kumar
Government Advocate (Crl.side)
for R2 and R3

JUDGMENT

(Judgment of the Court was delivered by M.Sundar J.)

A barely 18 year old young man, who turned 18 a month ago i.e., on 06.07.2025, had to come to this Court by way of a writ petition dated 01.08.2025 as his aspiration and dream to become a medical doctor were shattered by an 'order dated 24.07.2025 bearing reference Notification No.18/SCS1(1)/2025' [hereinafter 'impugned order' for the sake of



convenience] made by Selection Committee, Directorate of Medical Education & Research, Kilpauk, Chennai.

WEB COPY

2. In and vide the impugned order, the writ petitioner's candidature qua M.B.B.S / B.D.S in Management / 'Non-Resident Indian' ['NRI'] quota for the course session which is to commence in the ensuing Academic year 2025-26 was cancelled and the impugned order also says that the young man will not be allowed qua UG Medical selection for the next three academic years and necessary legal action is also being proceeded with. The reason is, on scrutiny, a Relationship Certificate i.e., a certificate dated 11.03.2025 said to have been issued by the fifth appellant before us was found to be fake. To be noted, this is Relationship Certificate confirming that the writ petitioner's sponsor Mr.P.V.Sivadasan is writ petitioner's father Mr.P.V.Surendran's blood brother. To be noted, Mr.P.V.Sivadasan is an NRI now living in Muscat, Sulthanate of Oman.

3. In the writ petition, an interim order (pending writ petition) was sought vide W.M.P.No.32841 of 2025 and the interim order sought was to direct the respondents to provisionally include the petitioner in the list of NRI eligible candidates for admission /Counselling 2025-26 in Tamil Nadu State for the year 2025-26 for MBBS/BDS (management/NRI quota).



WEB COPY

4. The main writ petition is pending and it is in seizin of a Hon'ble single Judge and the Hon'ble single Judge in and by a 'judicial order dated 01.08.2025' [hereinafter 'impugned judicial order' for the sake of convenience and clarity] acceded to the interim prayer primarily on the ground that subsequent to uploading of 11.03.2025 Relationship Certificate, the young writ petitioner's father (to be noted, on the date of uploading of the application i.e., on 24.06.2025, the writ petitioner was a minor) it came to light that the writ petitioner's father had been duped by an acquaintance, who got the Relationship Certificate and the earlier Relationship certificate was uploaded without knowing that the same is fake. Be that as it may, more importantly, immediately thereafter, the writ petitioner who had by then become major applied to Appellant No.5 for Relationship Certificate vide an application dated 25.07.2025 and after due verification, the fifth appellant before us has issued a Relationship Certificate dated 28.07.2025 which is not subjected to any disputation and which even according to the Selection Committee which made the impugned order is authentic but captioned intra-court appeal assailing the impugned judicial order has been filed.

5. Yesterday (05.08.2025), we issued notice (to be noted, writ petitioner is sole respondent in the captioned writ appeal i.e., intra-court appeal.



Mr. Godson Swaminathan of M/s. Isaac Chambers, counsel on record before the Hon'ble single Judge accepted notice for the sole respondent.

WEB COPY

6. The primary contention of Ms. Sneha, learned counsel for appellants, learned Special Counsel for Health and Family Welfare is that the writ petitioner uploaded earlier Relationship Certificate dated 11.03.2025 knowing the same to be fake as he was biding time in the light of 25.06.2025 being the last date for the submission of the applications. Various clauses in the prospectus were also pointed out inter alia to say that the candidates and their parents will be solely responsible for all the documents submitted by them and that they 'should not rely on Agents/Touts' and that it has been made clear in the prospectus that after scrutiny if the particulars furnished in the application are not correct, his/her candidature will be cancelled, the candidate will be debarred from participating in TN UG medical counselling for the subsequent three years and that legal action will follow. Notwithstanding such clear instructions in the prospectus, writ petitioner has chosen to upload the Relationship Certificate dated 11.03.2025 knowing the same to be fake is learned selection committee counsel's say.

7. Learned counsel for sole respondent in the writ appeal whom we are referring to as writ petitioner for the sake of convenience, submitted to the contrary. Learned counsel submitted that the writ petitioner's father first



WEB COPY

approached e-service centre for getting Relationship Certificate but on hitting a dead end stumbled upon one Mr.Velliangiri who claimed to be familiar with the procedure in the Revenue Department for getting such certificates, promised to get his relationship certificate and got him the 11.03.2025 certificate. Immediately after the impugned order i.e., order dated 24.07.2025, cancelling the candidature of the writ petitioner, writ petitioner realising that his father has been duped applied to the fifth appellant in and by an application dated 25.07.2025 along with copy of the Passport of the Sponsor and other particulars, such as Aadhar Card and after due verification, 28.07.2025 Relationship Certificate was issued and the same has now been furnished. To be noted, this 28.07.2025 Relationship Certificate issued by the fifth appellant is not disputed by the other appellants. In other words, it is accepted as authentic and genuine by the selection committee.

8. As this Court proceeded with the case, this Court requested the fifth appellant to appear on the 'VC' ['Videoconferencing'] platform to collect details as to how the application was processed (this was yesterday). Today, the fifth appellant is present in Court and we have the benefit of perusing the file.

9. To buttress the submission that the writ petitioner's father was duped, learned counsel for respondent/writ petitioner has placed before us a hand written police complaint dated 28.07.2025 along with annexures and it is



submitted that the jurisdictional police evaded the receipt of the complaint.

The complaint as placed before us is as follows:

WEB COPY

23/04/2025

அனுப்பினார்,

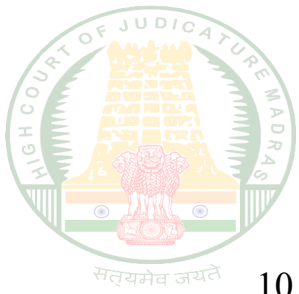
சுமந்திரன் ம.வி, (49)
சுமந்திரன் ம.வி
182, பொன்னையாபுரம்,
Near Seetharam மருத்துவமனை,
காந்தி பார்க், கோவை.
Ph: 9566323752

பெயர்

காவல் சூய்வாளர்,
B3VH Road,
காவல் நிலையம்,
கோவை மாவட்டம்

இது,

நான் மேற்கண்ட சமூகவியல் சேவை இயல்பு
6 வருடங்களுக்கான கொந்த வீட்டில் இது இருக்கிறதும், அது
கோவை சேவை வீட்டில் அடுக்கல் Arjun Dye Works
என்ற பெயரில் கொந்தமாக நுகரப் பட்டன என்பது
நடத்தி வருகிறது. எனது மகன் அர்ஜுன் ம.வி என்பவர்
Medical Counselling (DME) NRI Quota -லிக்கு உரிமை
சம்பாதித்து வேண்டும் என்பதற்காக எனக்கு படிக்கமான
வேல்கிங்கிரி கோவை இலையம்மத்தூர் இலையம் பாலயம்
மதுரைவின் கோவில் வீதி D.No:- 9/49 என்ற முகவரிக்கு
(9363145527)
இருக்கும் வேல்கிங்கிரி என்பவர் இடம் ரூபாய்
10,000/- கொடுத்துள்ளார். வேல்கிங்கிரி என்பவர்
கடந்த 11.04.2025 தேதி அன்று கன்னடம் உரையுரை
சான்றிதழ் கொடுத்தார். அதை Online சேவை (Counselling)
பதிவு செய்து, மேலும் 24.07.2025 அன்று
Tamilnadu Medical Counselling (DME)-இல் உரையுரை சான்றிதழ்



WEB COPY

10. We *suo motu* implead the The Commissioner of Police, Coimbatore and the Inspector of Police, B3 VH Road Police Station, Coimbatore City as second and third respondents and Mr.Santhosh Kumar, learned Government Advocate (Crl.side) accepts notice for second and third respondents.

11. Before we proceed further, we deem it appropriate to record that learned counsel for appellants submitted that there is an NRI Certificate dated 03.06.2025 issued by the Embassy of India in Muscat certifying that the Sponsor is a holder of a particular Indian Passport and that he is resident of Oman and writ petitioner not having submitted the same to revenue authorities makes it clear that he was aware that the earlier certificate is clearly fake.

12. We took up the main appeal and carefully considered the rival submissions.

13. We find that the bone of contention is whether the writ petitioner uploaded the earlier Relationship Certificate dated 11.03.2025 (uploaded on 24.06.2025) knowing the same to be fake or was his father duped. If it is the former, the impugned order will be justified but if it is the latter, the impugned order may not not be justified but refrain from dilating more on this as main writ petition has to be heard out by a Hon'ble Single Judge. This is a question that can be tested in the writ petition as we direct second and third respondents



to take the afore-referred complaint on file, enquire into the same, register a case and submit a preliminary report before Hon'ble single Judge within a week from today.

WEB COPY

14. In the interregnum, considering the peculiar facts and circumstances of the case, if the writ petitioner is not included in the list of NRI eligible candidates for Admission to Tamil Nadu Medical Counselling 2025-26 to MBBS / BDS courses and if he is not permitted to participate in the counselling rounds, an irreversible situation can arise if writ petitioner succeeds in the writ petition. Therefore, we have no hesitation in sustaining the impugned judicial order and further buttressing reasons for doing so are as follows:

i) As regards applying for Relationship Certificate, it is clear that there is no prescribed template or application format. The jurisdictional Tahsildar, only requests for a copy of the passport and thereafter makes local enquiry through the Revenue Inspector as well as the Village Administrative Officer and issues the Relationship Certificate. This has now been duly done. As already alluded to supra, the jurisdictional Tahsildar who issued the Relationship Certificate which is not disputed is Appellant No.5 and he is present in Court in person before us with all the files. We had the benefit of perusing the files;



WEB COPY



ii) The Relationship Certificate dated 28.07.2025 which has now been produced is not disputed by the appellants. In other words, other appellants (other than Appellant No.5) confirm that the authenticity of the 28.07.2025 Relationship Certificate issued by Appellant No.5 is not disputed and the contents are no different from earlier relationship certificate dated 11.03.2025;

iii) The above means that the fact that the sponsor of the writ petitioner Mr.Sivadasan P.V, is writ petitioner's father's blood brother and that he is an NRI and he is ready to sponsor the writ petitioner qua MBBS/BDS course is not subjected to disputation. We hasten to add a caveat that it is open to the Selection Committee to do further scrutiny;

iv) As regards the NRI status dated 03.06.2025, we find that the earlier certificate, which was found to be fake is dated 11.03.2025 is prior to 03.06.2025 and therefore, this argument does not cut ice with us;

v) As regards the various instructions in the prospectus, it has been repeatedly held that prospectus by itself is neither a scripture nor a Statute / subordinate legislation. It is more in the nature of guidelines;



WEB COPY

vi) On a demurrer qua the previous point, the prospectus talks about not to rely on agents / touts in the 'counselling process'. It does not talk about obtaining certificate which are uploaded along with the application. Equally on a demurrer, clause 8 of the prospectus captioned 'ELIGIBILITY CRITERIA FOR NRI' in one of the sub-clauses makes it clear that Certificate of Relationship between NRI financial supporter and the certificate issued by the competent Revenue Authority should be accompanied by the valid Indian Passport of the NRI Financial supporter;

vii) In this view of the matter, NRI status certificate dated 03.06.2025 which is not looked into by the Revenue Authority i.e, Appellant No.5 in this case to issue the Relationship Certificate pales into insignificance as regards the Relationship Certificate dated 28.07.2025;

viii) This Court also notices that there is no change in the sponsor be it vide 11.03.2025 certificate uploaded on 24.06.2025 or the present Relationship Certificate dated 28.07.2025 which has been placed before us;

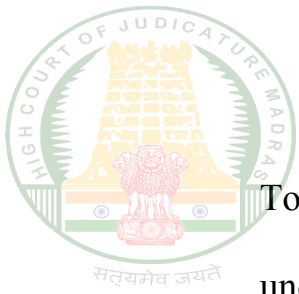
ix) As regards the precedents, as an apprehension was projected by the learned counsel for the appellants that other



WEB COPY

candidates whose candidature have been rejected for uploading fake certificate may claim the same benefit, we make it clear that this order in the captioned appeal which itself is one assailing an interim order will not serve as an across the Board precedent for all and every case of fake certificate or ligation in this regard. This Court reminds itself of the ***Padma Sundara Rao*** declaration of law, i.e., ***in Padma Sundara Rao Vs. State of Tamil Nadu*** reported in ***(2002) 3 SCC 533: 2002 SCC OnLine SC 334*** as it was rendered by a Constitution Bench as an authority for citing authorities. Relevant paragraph is paragraph 9 which reads as follows:

"9. Courts should not place reliance on decisions without discussing as to how the factual situation fits in with the fact situation of the decision on which reliance is placed. There is always peril in treating the words of a speech or judgment as though they are words in a legislative enactment, and it is to be remembered that judicial utterances are made in the setting of the facts of a particular case, said Lord Morris in Herrington v. British Railways Board [(1972) 2 WLR 537 : 1972 AC 877 (HL) [Sub nom British Railways Board v. Herrington, (1972) 1 All ER 749 (HL)]] . Circumstantial flexibility, one additional or different fact may make a world of difference between conclusions in two cases.'



WEB COPY

To be noted, facts in Padma Sundara Rao is, a notification issued under Section 6 of the Land Acquisition Act, 1894 was assailed in Madras High Court and the High Court relying on N.Narasimhaiah case reported in (1996) 3 SCC 88 held that the same was validly issued. The matter was carried to Hon'ble Supreme Court on the question of law as to whether after quashing of a notification under section 6, a fresh period of one year is available to the State Government to issue another notification under section 6. It is in this context, i.e., while deciding this legal question, a Constitution Bench of Hon'ble Supreme Court declared the law as regards how courts should place reliance on case laws / precedents.

(x) In paragraph 9 of the Padma Sundara Rao, Hon'ble Supreme Court after adverting to **Herrington v. British Railways Board [(1972) 2 WLR 537 : 1972 AC 877 (HL)]**, made it clear that circumstantial flexibility on the one additional or different fact may make a world of difference between conclusions in two cases.

15. This Court makes it clear that the interim order is sustained and further proceedings pursuant to impugned judicial order shall go on but all this will be subject to decision in the main writ petition. We request Hon'ble single Judge to hear out and dispose of the main writ petition as expeditiously as the



official business of Hon'ble single Judge would permit albeit with the *prima facie* police report which will aid the writ Court to decide the main writ petition about which there is allusion supra.

Captioned intra-court appeal i.e., W.A.No.2464 of 2025 is disposed of as closed in the aforesaid manner. Consequently, captioned CMP becomes otiose and the same is disposed of as closed. No costs.

(M.S.,J.) (T.V.K.,J.)

06.08.2025

Index: Yes/no

Neutral Citation: Yes/no

Upload forthwith

1. The Commissioner of Police
Coimbatore
2. The Inspector of Police
B3VH Road Police Station
Coimbatore



WEB COPY

WA No. 2464 of 2



M.SUNDAR, J.
AND
T.VINOD KUMAR, J.

gpa

WA No. 2464 of 2025

06.08.2025