



WEB COPY



Writ Petition No.36873 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31-01-2025

CORAM

THE HONOURABLE MR JUSTICE BATTU DEVANAND

WP No. 36873 of 2024

R.Balasubramaniyan
S/o Ramasamy, Vellalar Street, Udayarpalayam
Post & Taluk, Ariyalur District 621 804

Petitioner(s)

Vs

1. The Directorate Of Health And Family
Welfare Services, Director (health) - Cum - Nodal
Officer (Medical Education) Kamaraj Salai,
Sakthi Nagar, Saram, Puducherry 605 013

2. The Directorate of Higher And Technical Education
Centralised Admission Committee (centac) Kamarajar Manimandapam
Campus, Puducherry 605 008

3. The Dean / Principal
Sri Manakula Vinayagar Medical College, Kalitheerthal Kuppam,
Madagadipet, Puducherry 605 107

4. The National Medical Commission
Block P. Sector And Dwarka, New Delhi 110 077

5. Miss. Reshma,
Sri Manakula Vinayagar Medical College, Kalitheerthal Kuppam,
Madagadipet, Puducherry 605 107.
(R5-impleaded as per Order Dated 17.12.2024
In WMP.41948/2024 In Wp.36873/2024 By VSJ)

Respondent(s)



Writ Petition No.36873 of 2024

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari, to call for the records in the show cause notice issued by the first respondent in proceedings no.7264/DHFWS/BOME/E3/Notice/2024/25, dated 20.11.2024 and quash the same.

For Petitioner(s):

Ms.Thenmozhi Shivaperumal

For Respondent(s):

Mr.R.Sreedhar, AGP for R1 & 2
Ms.Shubharanjani Ananth for R4

ORDER

This Writ Petition has been filed seeking for issuance of a Certiorari to call for the records in the show cause notice issued by the first respondent in proceedings no.7264/DHFWS/BOME/E3/Notice/2024/25, dated 20.11.2024 and quash the same.

2.The case of the petitioner is that the petitioner's son appeared for National Eligibility Cum Entrance Test (NEET) and secured 316/500 (CBSE) marks. Press release issued by the CENTAC, calling for fresh application from those candidates who had not applied previously for



Writ Petition No.36873 of 2024

seeking admission of NRI seats, till 14.10.2024 and thereafter, it was extended till 15.10.2024.

3. At the time of submitting the application for MBBS admission, the petitioner's son had visited an Internet center and tried to up-load the details. But due to server was very slow, the browsing center staff asked him to handover the papers to them so that they can up-load the same since they have to up-load the particulars of many candidates and it was heavy rush on that day. Therefore, the petitioner's son handed over the papers and left from the browsing center. Thereafter, the browsing center personnel uploaded the application along with the documents. At that time, inadvertently, it appears the browsing center staff instead of uploading the name of Mr.Sureshkumar, who is the brother -in-law of the petitioner and his wife's elder brother and maternal uncle for his son, who is working in Doha/Qatar, erroneously, the name of one Mr.Sathishkumar was uploaded. Admittedly, during the 3rd round of counselling, the petitioner's son was not selected.

4. Thereafter, the CENTAC called for applications for left out seats,



Writ Petition No.36873 of 2024

on 25.10.2024 Stray round registration was called for and the last date was fixed as 28.10.2024. The petitioner personally went to the Internet center and uploaded all the details including the NRI certificate of his brother-in-law along with the affidavit and the other documents. Subsequently, the petitioner's son got seat. The NRI sponsor Mr.Suresh Kumar, paid Rs.19,00,000/- from ICICI NRE account from Doha to CENTAC. The petitioner also paid Rs.19,00,000/- to the CENTAC. Consequent to the same, the petitioner was granted provisional allotment order in the third respondent college and accordingly, the physical verification of the original certificates of the son of the petitioner had taken place on 04.11.2024. Thereafter, the CENTAC admitted the petitioner's son into the third respondent college and hostel and thereafter, he has been attending the classes.

5.The learned counsel for the petitioner would submit that all of a sudden, to the shock and surprise of the petitioner and his son, they received the impugned show cause notice dated 20.11.2024 from the first respondent. On perusal of the same, it came to the knowledge of the petitioner that it is alleged that the petitioner submitted fake certificates to



Writ Petition No.36873 of 2024

secure seat under NRI quota. The said allegation is far from the truth.

Immediately, the petitioner enquired with the Internet center, where the first time the application of the petitioner's son was uploaded and then it came to know that during uploading the documents in the Internet center, the mistake occurred. Immediately, on 25.11.2024, the petitioner submitted reply and produced certificates to establish that Mr.Suresh Kumar, is the petitioner's brother-in-law, who sponsored the son of the petitioner for NRI seat. But without considering the reply submitted by the petitioner in a proper prospective, the respondents are not allowing the petitioner's son to attend the classes.

6. On the other hand, the learned Additional Government Pleader appearing for the respondents 1 & 2 would submit that as the reply from the petitioner for the show cause notice dated 20.11.2024 is not convincing, the admission granted to the petitioner in MBBS in the third respondent college has been cancelled and the same was uploaded in the web-site and consequently, due to cancellation of admission of the petitioner, a vacancy arose, wherein, the 5th respondent was admitted.

7. When this Court asked the learned Additional Government Pleader



Writ Petition No.36873 of 2024

as to whether the order of cancellation of the admission of the son of the petitioner is communicated to the petitioner or not? He sought time to get instructions on this aspect.

8. In the main prayer of the Writ Petition, the show cause notice dated 20.11.2024, issued by the first respondent is under challenge. Admittedly, the petitioner submitted reply to the said show cause notice on 25.11.2024. Once reply submitted to the show cause notice by the petitioner, in our considered view, no further adjudication is required with regard to the validity of the show cause notice. But on perusal of the facts and circumstances of the case, it appears that the order of cancellation of the admission of the petitioner's son in MBBS Course in the third respondent college pursuant to the show cause notice dated 20.11.2024 has not been communicated to the petitioner. If it is communicated to the petitioner, the petitioner can challenge it before the appropriate forum, if so advised.

9. Under these circumstances, this Court is of the opinion that it is appropriate and reasonable to meet the ends of justice, if this Writ petition is disposed of with direction to the first and second respondents to



Writ Petition No.36873 of 2024

communicate the order of cancellation of admission of the petitioner's son into MBBS course in the third respondent college to the petitioner forthwith.

10. Accordingly, this Writ Petition is disposed of with a direction to the first and second respondents to communicate the order of cancellation of admission of the petitioner's son into MBBS course in the third respondent college to the petitioner, forthwith. Considering the request of the learned counsel for the petitioner, liberty is granted to the petitioner to challenge the order of cancellation of admission to the petitioner's son, by filing a separate writ petition.

No costs.

Internet: Yes/No

31.01.2025

Index: Yes/No

Dn



Writ Petition No.36873 of 2024

To

1. The Directorate Of Health And Family
Welfare Services, Director (health) - Cum - Nodal
Officer (Medical Education) Kamaraj Salai,
Sakthi Nagar, Saram, Puducherry 605 013

2. The Directorate of Higher And Technical Education
Centralised Admission Committee (centac) Kamarajar Manimandapam
Campus, Puducherry 605 008

3. The Dean / Principal
Sri Manakula Vinayagar Medical College, Kalitheerthal Kuppam,
Madagadipet, Puducherry 605 107

4. The National Medical Commission
Block P. Sector And Dwarka, New Delhi 110 077



WEB COPY



Writ Petition No.36873 of 2024

BATTU DEVANAND, J

dn

Writ Petition No.36873 of 2024

31.01.2025