IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 1237 OF 2022
(@ SPECIAL LEAVE PETITION (C) NO. 17212/2021)

MAHENDRA GHANSHYAM MARKAM **APPELLANT(S)**

VERSUS

DIRECTOR GENERAL OF HEALTH SERVICES & ORS. **RESPONDENT(S)**

O R D E R

Leave granted.

The judgment dated 04.03.2020 passed by the Madhya Pradesh High Court in Writ Petition No.5666 of 2020 is challenged by the appellant in the appeal. The appellant belongs to a scheduled caste category. The school admission certificate would show that he belongs to 'Mahar' caste. In the year 2009, the appellant changed his surname from 'Meshram' to 'Markam' and the same was published in the Maharashtra Government Gazette on 09.07.2009.

The appellant was admitted to MBBS course without availing reservation in Maharashtra University of Health Sciences, Nasik. He was registered as a Doctor in the Maharashtra Medical Council on 30.09.2015. On 15.12.2016, the appellant applied for a caste certificate and the Sub Divisional Officer, Revenue, Tehsil Katangi, District Balaghat, M.P. (S.D.O.) issued a caste certificate. In the said

certificate, the name of the appellant was shown as 'Mahendra Meshram', belonging to a scheduled caste category, as the application was made in that name.

The appellant applied for NEET-PG 2019 and appeared in the examination on 06.01.2019. He secured All India Rank of 15297 and was provisionally allotted a seat in Netaji Subhash Chandra Bose, Medical College, Jabalpur, Madhya Pradesh ('the College') for admission to PG course reserved for Scheduled caste. During the verification of documents at the time of admission, it was found that his surname as mentioned in the caste certificate was 'Meshram' whereas his surname in all other documents was 'Markam'. He requested the College to permit him to attend the classes by furnishing an undertaking to get the caste certificate rectified which was denied. As he was not permitted to attend the classes, he filed a writ petition in the High Court of Madhya Pradesh for a direction to the College to admit him in the PG course.

On 03.05.2019, the High Court disposed of the writ petition granting liberty to the appellant to approach the authorities by filing the necessary documents. In the meanwhile, the appellant also applied for correction of his surname in the caste certificate. The said application was rejected by the S.D.O., revenue on the ground that the appellant applied for issuance of the caste certificate in the surname of

‘Meshram’. The second attempt made by the appellant for getting his caste certificate verified also did not yield any result. The appeal filed by the appellant to the Collector, Balaghat, M.P. was also not considered favorably. Thereafter, the appellant filed Writ Petition No.5666 of 2020 before the High Court which was dismissed on 04.03.2020 on the ground that the appellant was not entitled for any relief in view of the caste certificate mentioning his name as ‘Mahendra Meshram’ whereas all the other documents pertaining to NEET-PG 2019 examination show the name of the appellant as ‘Mahendra Ghanshyam Markam’.

One relevant fact to be noted is that the surname of the appellant in the caste certificate has now been rectified and at present, the caste certificate of the appellant shows his surname as ‘Markam’ and not ‘Meshram’.

Ms. V. Mohanna, learned senior counsel appearing for the appellant in her usual vehemence submitted that the appellant could not have been denied admission on the ground that the surname of the appellant did not match in the documents that were furnished. She stated that the denial of admission to the appellant to PG course in the College based on his ranking in NEET-PG 2019 was not due to any fault of the appellant but due to a mistake committed by the authorities in not disposing of the request for change

of surname expeditiously. The fact that ultimately, the surname was changed in the caste certificate would show that there was no misrepresentation or fraud played by the appellant in securing the caste certificate. The appellant was studying in the State of Maharashtra as a general category candidate. The appellant applied for a caste certificate only in the year 2016. Even if an error was committed by him in stating his surname as 'Meshram' in the application for issuance of caste certificate, the appellant cannot be made to suffer by denial of admission to PG course for the Academic Year 2021-2022 on the basis of the his rank in NEET-PG 2019. She relied upon the judgment of this Court in 'Kumari Madhuri Patil & Anr. v. Additional Commissioner, Tribal Development & Ors.' reported in 1994 (6) SCC 241 and argued that the appellant's offer of giving an undertaking at the time of admission to get the certificate rectified should have been accepted by the College and admission should have been given to him in 2019 itself. Due to the lackadaisical attitude of the College, the appellant has already lost two precious academic years. He cannot be made to suffer further by not being granted admission for PG course for the Academic Year 2021-2022 on the basis of the rank that the appellant secured in NEET-PG 2019.

Mr. Saurabh Mishra, learned Additional Advocate General for the State of Madhya Pradesh argued

that the certificate that was issued in 2016 was on the basis of the application made by the appellant in which his surname was shown as 'Meshram'. He stated that the appellant is, in any event, eligible to be considered as a scheduled caste candidate for admission to the PG course for the Academic Year 2021-2022 but is not entitled to claim admission on the basis of the rank that was assigned to him in the NEET-PG 2019.

It is clear from the facts mentioned above that this is not a case where the appellant has produced a false caste certificate or has played any fraud in securing a caste certificate. There is no doubt that he belongs to a scheduled caste category in the State of Madhya Pradesh. It is also not disputed that he completed his MBBS course from the State of Maharashtra as an unreserved candidate. The appellant ought not to have made an application for issuance of a certificate in 2016 by showing the surname as 'Meshram', when he got his surname corrected as 'Markam' in 2009.

There can be no manner of doubt that the appellant is entitled to be considered for admission to PG course for the Academic Year 2021-2022 as a scheduled caste candidate. We are unable to accept the request of the appellant that he is entitled for admission on the basis of the rank assigned to him in NEET-PG 2019 as he is responsible for applying for

issuance of caste certificate with a surname different from that appearing in the other documents.

The appeal is disposed of accordingly. Pending application(s), if any, shall also stand disposed of.

.....J
(L.NAGESWARA RAO)

.....J
(B.R. GAVAI)

NEW DELHI;
09th FEBRUARY, 2022

ITEM NO.10 Court 5 (Video Conferencing) SECTION IV-C

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No(s). 17212/2021

(Arising out of impugned final judgment and order dated 04-03-2020 in WP No. 5666/2020 passed by the High Court Of M.P Principal Seat At Jabalpur)

MAHENDRA GHANSHYAM MARKAM Appellant(s)

VERSUS

DIRECTOR GENERAL OF HEALTH SERVICES & ORS. Respondent(s)

(IA No. 139382/2021 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT IA No. 139384/2021 - EXEMPTION FROM FILING O.T. IA No. 164677/2021 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES IA No. 139386/2021 - PERMISSION TO PLACE ADDITIONAL FACTS AND GROUNDS)

Date : 09-02-2022 This petition was called on for hearing today.

CORAM :
HON'BLE MR. JUSTICE L. NAGESWARA RAO
HON'BLE MR. JUSTICE B.R. GAVAI

For Petitioner(s) Mrs. V. Mohana, Sr. Adv.
Mr. Satyajit S. Desai, Adv.
Mr. Satya Kam Sharma, Adv.
Mr. Siddharth Gautam, Adv.
Mr. Himanshu Sharma, Adv.
Ms. Anagha S. Desai, AOR

For Respondent(s) Mr. K.M.Nataraj, Ld. ASG
Mr. Gurmeet Singh Makker, AOR
Mr. Shailesh Madiyal, Adv.
Mr. Vinayak Sharma, Adv.
Mr. Akshay Amritanshu, Adv.
Mr. Ashok Panigrahi, Adv.

Mr. Saurabh Mishra AAG for the State of M.P.
Mr. Sunny Choudhary,AOR
Mr. Aakash Nandolia, Adv

UPON hearing the counsel the Court made the following
O R D E R

Leave granted.

The appeal is disposed of in terms of the signed order. Pending application(s), if any, shall also stand disposed of.

(Geeta Ahuja)
Court Master

(Anand Prakash)
Court Master

(Signed Order is placed on the file)