

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.02.2015

CORAM

THE HON'BLE MR.JUSTICE SATISH K. AGNIHOTRI
AND
THE HON'BLE MR.JUSTICE M.VENUGOPAL

W.A.No.1656 of 2014
and
M.P.No.1 of 2014

- 1.The Director (JIPMER),
Jawaharlal Institute of Postgraduate Medical
Education and Research (JIPMER),
Dhanvantri Nagar,
Puducherry.
- 2.The Dean (JIPMER),
Jawaharlal Institute of Post Graduate
Medical Education & Research,
Puducherry. .. Appellants

Vs.

- 1.Dr.A.Aiamperumal
2.The Secretary,
Medical Council of India,
Pocket-14, Sector-8, Dwarka Phase-I,
New Delhi-77. ... Respondents

This writ appeal is preferred under Clause 15 of the Letters Patent against the order of this court dated 18.11.2014 made in W.P.No.8101 of 2014. सत्यमेव जयते

Petition presented to this court to issue a writ of mandamus directing the respondents to produce the copy of the answers sheet bearing Roll No. 1401741 along with answer key for the Online Entrance Examination for MD MS Course for April 2014 Session conducted by the respondents

For Appellant : Mr.G.Rajagopalan,
Additional Solicitor General of India
for Mr.M.T.Arunan

For Respondents: Dr.A.Aiamperumal, Party in person -R-1
R-2 Not ready in notice

JUDGMENT

(Judgment of the Court was made by SATISH K. AGNIHOTRI, J.)

The writ petitioner/ first respondent herein preferred a writ petition, seeking for a direction to the respondents therein to produce a copy of the answer sheet bearing Roll No.1401741 along with answer key for the Online entrance examination for M.D., M.S. Course for April, 2014 Session conducted by the respondents.

2. The learned Single Judge, after considering the case at length, directed the appellants/ respondents therein to provide a certified copy of the answer sheets to the writ petitioner bearing Roll No.1401741 along with necessary key for the online PG Entrance examination conducted on 23.2.2014 within two weeks from the date of receipt of copy of the order.

3. Being aggrieved, the Jawaharlal Institute of Postgraduate Medical Education & Research (JIPMER) has come up with this petition, questioning the legality and validity of the order passed by the writ court.

4. Mr.G.Rajagopalan, learned Additional Solicitor General of India, appearing for the appellants would submit that the writ petitioner had participated in the examination conducted through Online, wherein he has also submitted answers Online. Thus, there is no written sheet, whereupon the writ petitioner has submitted his answers. It is further contended that it is even difficult to submit online answer sheets in the written form.

5. The learned Senior Counsel relied on a decision of the High Court of Delhi in All India Institute of Medical Sciences Vs. Vikrant Bhuria¹, wherein the High Court held that the information seeker, not being the examinee, is not entitled to the information or copy of the answer sheet of other candidate under the provisions of the Right To Information Act .

6. In the case on hand, the writ petitioner is not seeking the copy of any other examinee, except his own answer sheets. Appreciating the difficulty that it may not be possible to take out answer sheets and supply the copy of the same to the writ petitioner as the entire exercise was done online, we are of the view that taking out the copy of answer sheet may be difficult, but it is not impossible. The petitioner is seeking the copy of his own answer sheet. Thus, the direction of the learned Single Judge cannot be faulted.

7. The second contention of the learned Senior Counsel that the writ petitioner ought to have asked the copy of the answer sheet under the provisions of the Right to Information Act by making an application to the authorities concerned, deserves

¹ LPA No.487 of 2011 dated 28.5.2012.

consideration. In normal course, one should not take the recourse to the jurisdiction of the High Court for obtaining certain information or copy of certain documents, when there is self contained Code, i.e., Right to Information Act. Thus, this contention is left open to be considered in the appropriate case.

8. Keeping in view the fact that the writ petitioner is a student and also in the peculiar facts and circumstances of the case, we are not inclined to interfere with the order of the learned Single Judge in this writ appeal. Accordingly, the writ appeal is dismissed. No costs. However, we make it clear that this order cannot be cited as a precedent. Consequently connected miscellaneous petition is closed.

Sd/-

Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

vvk

To

1.The Director (JIPMER),
Jawaharlal Institute of Postgraduate Medical
Education and Research (JIPMER),
Dhanvantri Nagar,
Puducherry.

2.The Dean (JIPMER),
Jawaharlal Institute of Post Graduate
Medical Education & Research,
Puducherry.

3.The Secretary,
Medical Council of India,
Pocket-14, Sector-8, Dwarka Phase-I,
New Delhi-77.

1 cc to Mr.T. Arunan, Advocate, sr. 6434

1 cc to Dr.A. Alamperumal, Advocate, SR. 6397

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NM (CO)

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