

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.06.2015

CORAM:-

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.15800 of 2015

Kiran Francis

...Petitioner

- Vs -

1. The Tamil Nadu Dr.M.G.R Medical University,
Rep. By its Registrar,
No.69, Anna Salai,
Guindy, Chennai 600 032.
2. The Controller of Examination,
The Tamil Nadu Dr.M.G.R. Medical University,
No.69, Anna Salai,
Guindy, Chennai 600 032.

...Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus directing the respondent university to grant the benefit of grace marks viz., three grace marks in the subject Obstetrics and Gynaecology and Family Welfare and one grace mark in the subject Paediatrics including Neonatology to the petitioner having Regn. No.52097942 by applying the regulation of the respondent university dated 14.01.2011 Ref. Rc.AC.AD.(3)/18100/10 as requested by the petitioner in the written examination dated 28.04.2015 and declare the petitioner as pass in the Third year Part-II MBBS examination held during February 2015.

Petitioner : Mr.S.Thankasivan

For Respondents : Mr.Sanjai Ramasamy

ORDER

By consent, the writ petition itself is taken up for final disposal.

2. The petitioner claims that he is a final year medical student of Karpaga Vijayaga Institute of Medical Sciences and Research Centre, Madhuranthagam. His registration No. is 52097942. The petitioner further states that he wrote his III year Part-II examination during February 2015 and his results were also published during March 2015. Though he has written the examination very well, to his shock, he has been declared as 'fail' in the subjects Obstetrics and Gynaecology and Family Welfare and Paediatrics including Neonatology. According to him, in terms of the communication dated 14.01.2011 issued by the Medical Council of India in Ref.Rc.AC.AD.(3)/18100/10, he is entitled to five grace marks and, in this regard, he has also submitted a representation dated 28.04.2015 to the respondent university. Though the respondent university has received the above said representation, they have not considered the same by applying the regulation of the Medical Council of India. Since the petitioner has not been favoured with any response, he has come forward with this petition.

2. Heard Mr.S.Thankasivan, the learned counsel for the petitioner and Mr.Sanjai Ramaswamy, the learned standing counsel who accepts notice for the respondents 1 and 2.

3. The learned counsel for the petitioner would draw the attention of this court to the communication of the Medical Council of India and would submit that in the line of the same, it is obligatory on the part of the respondent university to award grace marks and on account of the delay, the petitioner is not in a position to under go CRR training.

4. Though the petitioner sought for a larger prayer, during the course of argument, the learned counsel for the petitioner submitted that the petitioner would be satisfied if the respondent university is directed to consider the representation of the petitioner.

5. This court, taking into consideration of the above submission made by the learned counsel for the petitioner and the facts and circumstances of the case, directs the respondent university to consider the representation of the petitioner dated 28.04.2015 by taking into consideration of their own communication dated 14.01.2011 and pass appropriate orders as expeditiously as possible and not later than two weeks from the date of receipt of a copy of this order.

6. This writ petition is, accordingly, disposed of.

Sd/-
Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

kmk

To

1.The Registrar,
Tamil Nadu Dr.M.G.R Medical University,
No.69, Anna Salai, Guindy,
Chennai 600 032.

2.The Controller of Examination,
The Tamil Nadu Dr.M.G.R. Medical University,
No.69, Anna Salai, Guindy,
Chennai 600 032.

1 CC to Mr.S.Thankasivan, Advocate SR.No. 26685

W.P.No.15800 of 2015

UGI (CO)
PSI (09.06.2015)

सत्यमेव जयते

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