

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 26.03.2015

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

WP.No.8705 of 2015

K.Rajeswar

... Petitioner

Versus

1. Sri Manakula Vinayagar Medical College and Hospital, Kalitheerthal Kuppam madagadipet, Puducherry 605107.
2. The Controller of Examinations Pondicherry University Kalapet, Pondicherry 605 014.
3. The Medical Council of India rep. By its secretary, MCI Building Pocket-14, Sector-8, Dwarka Phase-1, New Delhi 110 077.

... Respondents

Writ petition filed under Article 226 of the Constitution of India praying for a writ of MANDAMUS directing the 2nd respondent to award "5" marks to the petitioner as grace marks, in his Practical Test of General Surgery in the III Professional Part II MBBS November 2014 examinations per the Medical Council Regulation.

For Petitioner : Mr. V.Raghavachari

For RR 1 & 2 : Mr.V.Balamurugane

For R3 : Mr.V.P.Raman

ORDER

Heard Mr. V.Raghavachari, learned counsel for the petitioner ; Mr.V.Balamurugane, learned counsel accepting notice on behalf of the respondents 1 and 2 and Mr.V.P.Raman, learned counsel accepting notice for the 3rd respondent and with their consent, the writ petition is disposed of at the admission stage itself.

2.The petitioner seeks for issuance of a writ of mandamus to direct the 2nd respondent to award "5" marks to the petitioner as grace marks in their Practical Test of General Surgery in the III Professional Part II MBBS November 2014 examinations per the Medical Council Regulation.

3.It is not in dispute that the issue involved in these writ petitions is squarely covered by the earlier decision of this Court made in WP.Nos.3272 to 3277/2014 dated 16.02.2015. The prayers in the said writ petitions were also identical to that of the prayer in the present writ petition excepting for the subject in which the grace marks is to be awarded to the petitioner. The operative portion of the order dated 16.02.2015 reads thus:-

"14.In the instant cases, admittedly, there is no challenge to the regulation of the respondent which provides grant of grace marks in practicals being 5%. In such circumstances, the decision relied on by the learned counsel for the 2nd respondent University is of little avail to support the stand taken by the University.

15.In the light of the above, the petitioners are entitled to succeed and accordingly, the writ petitions are allowed and there will be a direction to the 2nd respondent University to award the grace mark to each of the petitioners and consequently, declare the results of the petitioners within a period of ten days from the date of receipt of a copy of this order. No costs. Consequently, all the connected M.Ps., if any, in all the writ petitions are closed."

4.Following the earlier order passed by this Court, the writ petition is allowed and there will be a direction to the 2nd respondent/University to award the grace marks to the petitioner as sought for by him and consequently, declare the results within a period of ten days from the date of receipt of a copy of this order. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

AP

To

1. Sri Manakula Vinayagar Medical College and Hospital, Kalitheerthal Kuppam Madagadipet, Puducherry 605107.
2. The Controller of Examinations Pondicherry University Kalapet, Pondicherry 605 014.
3. The Secretary,
The Medical Council of India
MCI Building Pocket-14,
Sector-8, Dwarka Phase-1,
New Delhi 110 077.

+1cc to Mr.V.Balamurugane, Advocate, S.R.No.17197
+1cc to Mr.V.Raghavachari, Advocate, S.R.No.17241

WP.No.8705/2015

BR(CO)
CA(30/03/2015)

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