

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.03.2015
CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.8921 of 2015
And
M.P.No.1 of 2015

I.Dipen Balaji ... Petitioner
Vs.

- 1.The Medical Council of India
MCI Building Pocket - 14
Sector - 8, Dwarka Phase - I
New Delhi - 110 077.
 - 2.Controller of examinations
Pondicherry University
Kalapet, Pondicherry - 605 104.
 - 3.Sri Venkateswara Medical College Hospital & Research Centre
Ariyur, Puducherry - 605 102.
- ... Respondents

Prayer:

Petition filed under section 226 of the Constitution of India to issue a Writ of Mandamus directing the 2nd respondent to grant 6 (six) marks as grace marks towards the petitioner's practical test of Obstetrics and Gynecology in the III Professional Part II M.B.B.S held on November 2014 Examinations as per Paragraph 3 of the Examination Regulations 2009-10 of the Pondicherry University.

For Petitioner : Mr.K.Rajasekaran
For Respondents : Mr.V.Balamurugane for R2
Mr.V.P.Raman for R3

O R D E R

Heard Mr.K.Rajasekaran, learned counsel appearing for the petitioner and Mr.V.Balamurugane, learned counsel appearing for the second respondent and Mr.V.P.Raman, learned counsel appearing for the third respondent. With the consent of both the parties, this writ petition is taken up for final disposal at the admission stage itself.

2.The petitioner seeks for issuance of a writ of mandamus to direct the 2nd respondent to award "6" marks to the petitioner as grace marks in their Practical Test of Obstetrics and Gynecology in

the III Professional Part II M.B.B.S November 2014 examinations per the Medical Council Regulation.

3.It is not in dispute that the issue involved in the writ petition is squarely covered by the earlier decision of this Court made in WP.Nos.3272 to 3277/2014 dated 16.02.2015. The prayer in the said writ petition was 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. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

Dated:30.3.15

True Copy

Sub Assistant Registrar

To

1.The Medical Council of India
MCI Building Pocket - 14
Sector - 8, Dwarka Phase - I
New Delhi - 110 077.

2.The Controller of examinations
Pondicherry University
Kalapet, Pondicherry - 605 104.

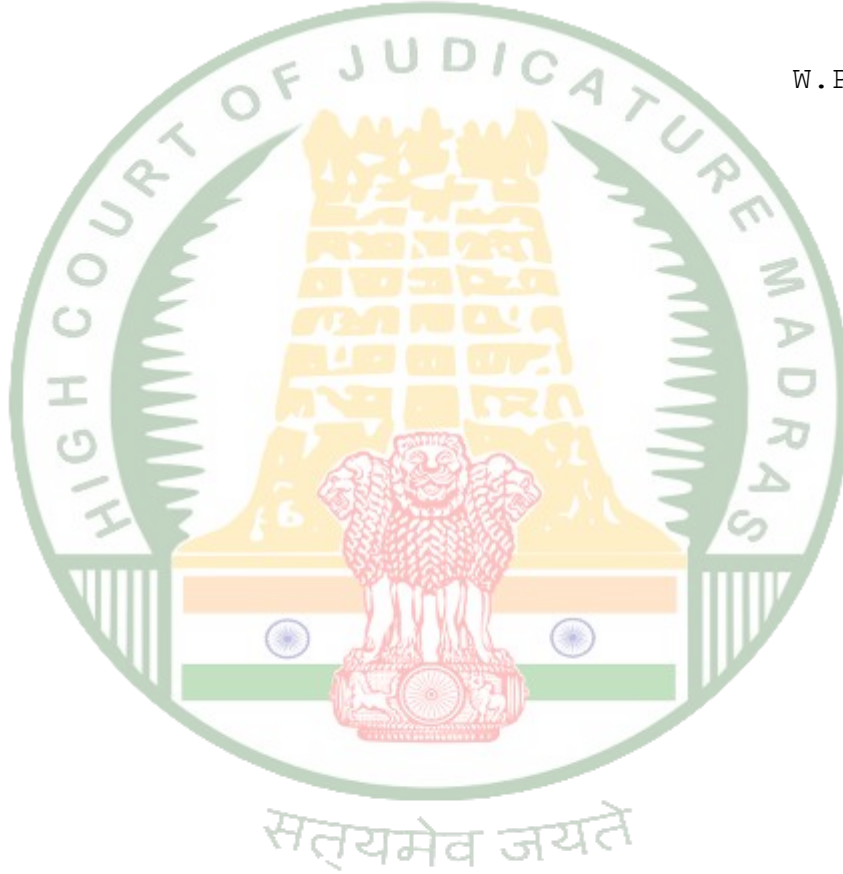
3.Sri Venkateswara Medical College Hospital & Research Centre
Ariyur, Puducherry - 605 102.

+1 cc to Mr.K.Rajasekaran, Advocate,SR.17450

+1 cc to Mr.V.balamurugane, Advocate,SR.17481.

br(co)
krd 30/3

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