



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.09.2015

CORAM:

THE HONOURABLE Mr.JUSTICE T.RAJA

W.P. (MD) Nos.17318 to 17325 of 2015

and

M.P. (MD) Nos.1,1,1,1,1,1,1,1,2,2,2,2,2,2,2,2,3,3,3,3,3,3,3 and 3 of 2015

DR.P.SINNA ILLANGAN	..Petitioner in WP(MD). 17318/ 2015
DR.T.BALASELVI	..Petitioner in WP(MD). 17319/ 2015
DR.BASAVARAJ TALAWAR	..Petitioner in WP(MD). 17320/ 2015
DR.SOPHIA GERALDIN XAVARINA	..Petitioner in WP(MD). 17321/ 2015
DR.N.SYED ABUTHAHIR	..Petitioner in WP(MD). 17322/ 2015
C.JEYASHREE	..Petitioner in WP(MD). 17323/ 2015
A.SHANMUGA PRIYA	..Petitioner in WP(MD). 17324/ 2015
DR.G.MANJUNATH	..Petitioner in WP(MD). 17325/ 2015

- Vs. -

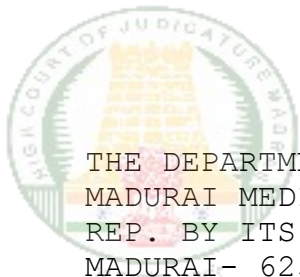
THE REGISTRAR,
TAMIL NADU DR. M.G.R. MEDICAL UNIVERSITY,
NO. 69, ANNA SALAI, GUINDY, CHENNAI- 600 032.

THE CONTROLLER OF EXAMINATION,
TAMIL NADU DR. M.G.R.MEDICAL UNIVERSITY,
NO.69, ANNA SALAI, GUINDY,
CHENNAI- 600 032. ..1st & 2nd Respondents in all WP's

THE INSTITUTE OF ANAESTHESIOLOGY,
MADURAI MEDICAL COLLEGE AND GOVERNMENT RAJAJI HOSPITAL,
REP.BY ITS THE DIRECTOR,
MADURAI-625 020. ..3rd Respondent in WP(MD) Nos.17318,
and 17324/2015

THE DEPARTMENT OF OBSTETRICS AND GYNECOLOGY,
MADURAI MEDICAL COLLEGE & GOVT.RAJAJI HOSPITAL,
REP.BY ITS HEAD OF THE DEPT.,
MADURAI- 625 020. ..3rd Respondent in WP(MD) Nos.17319,
17321 and 17323/2015

THE INSTITUTE OF PAEDIATRICS,
MADURAI MEDICAL COLLEGE & GOVT. RAJAJI HOSPITAL,
REP. BY ITS DIRECTOR,
MADURAI- 625 020. ..3rd Respondent in WP(MD) Nos.17320/2015



THE DEPARTMENT OF RADIOLOGY,
MADURAI MEDICAL COLLEGE & GOVT. RAJAJI HOSPITAL,
REP. BY ITS HEAD OF THE DEPT.,
MADURAI- 625 020.

..3rd Respondent in WP(MD)Nos.17322
and 17325/2015

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THE DEAN,
MADURAI MEDICAL COLLEGE & GOVT. RAJAJI HOSPITAL,
MADURAI- 625 020.

..4th Respondent in all WP's

Prayer in WP(MD). 17318/ 2015 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned circular dated 25.02.2015 made in Lr.No. AC1 (4)/53477/2014, passed by the 1st respondent herein and quash the same and direct the respondents 1 and 2 herein to declare the petitioner as passed in the practical examination and in the theory exams of (1)Anesthesiology, (2)Anesthesiology including Critical Case and Recent Advances in Anesthesia.

Prayer in WP(MD).17319, 17321, 17322, 17323 and 17325/ 2015:

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned circular dated 25.02.2015 made in Lr.No.AC1(4)/53477/2014, passed by the 1st respondent herein and quash the same and direct the respondents 1 and 2 herein to declare the petitioner has passed in all the theory papers and permit the petitioner to appear for the practical examination separately.

Prayer in WP(MD).17320 and 17324/ 2015:

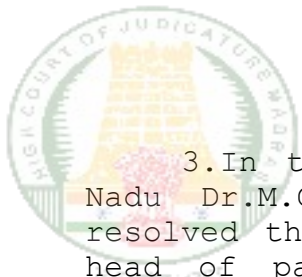
Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned circular dated 25.02.2015 made in Lr.No.AC1(4)/53477/2014, passed by the 1st respondent herein and quash the same and direct the respondents 1 and 2 herein to declare the petitioner as passed in the practical examination and in the theory exams in which the petitioner has secured 50% marks.

For Petitioner : Mr.R.Vijayakumar
For Respondents : Mr.C.Karthick for R1 and R2
Mr.R.Anandharaj, G.A.for R3 and R4

COMMON ORDER

These Writ petitions have been filed to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned circular dated 25.02.2015 made in Lr.No.AC1 (4) / 53477/2014, passed by the 1st respondent and quash the same and direct the respondents 1 and 2 to declare that the petitioner has passed in the practical examination and in the theory exams viz., (1) Anaesthesiology and (2) Anaesthesiology including Critical Case and Recent Advances in Anaesthesia.

2. Mr.C.Karthick, learned counsel takes notice for R1 and R2 and
Mr.R.Anandaraj, learned Government Advocate takes notice for R3 and R4.



3. In the impugned proceeding dated 25.02.2015 issued by the Tamil Nadu Dr.M.G.R. Medical University, the Standing Academic Board has resolved that a candidate shall secure not less than 50% marks in each head of passing which shall include theory and practical including clinical and viva vice examinations. Further it was resolved to follow the MCI norms and the same will be implemented from April 2015 examination session onwards. The petitioner contended that this cannot be made applicable retrospectively to the students, who have got admission in August 2013 in PG Diploma Anaesthesiology and more particularly when they are about to complete the examination.

4. The learned counsel appearing for the petitioners assailing the impugned order would submit that the petitioners admitted in the 3rd respondent / Institute in the academic year 2013 - 2014 and the scheme of the examination for the said course was fixed in the year 1997. As per the said scheme, there are three theory papers and one practical and a candidate has to secure 50% of marks in each theory paper and also 50% of the marks in the practical paper to pass in the Diploma course. However, if a candidate fails in any one of the papers, he has to re-write only the failed papers. Whiles, in the present impugned proceedings a new scheme has been introduced, under which, a candidate has to secure 40% of the marks in each of the three theory papers, but, should secure a total of 150 marks for securing a pass in all the theory papers. Hence, as per the new scheme, if any candidate fails in any of the theory papers or if the total of all the three papers is less than 150 marks such candidate has to appear for all the three theory papers. Therefore, it is causing so much of hardship and mental agony to the petitioners.

5. Adding further he would submit that when the new scheme, which was introduced by the Medical Council of India, has been followed in all other States prospectively ie., for the academic year 2015, curiously, the Tamil Nadu Dr.M.G.R. Medical University has decided to adopt the new scheme in the middle of the academic year, which is affecting the studies of the petitioners. Therefore, the impugned proceedings is liable to be interfered with.

6. Paragraph No.2 of the impugned proceeding clearly shows that the Standing Academic Board has resolved that a candidate shall secure not less than 50% marks in each head of passing which include theory and practical including clinical and viva vice examinations and to follow the Medical Council of India norms and decided to implement from April 2015 Examination session onwards, therefore, this Court is not able to see any inconsistency with regard to the year in which the new scheme has to be followed.

7. A reading of the impugned circular clearly shows that the Standing Academic Board of the Tamil Nadu Dr.M.G.R. Medical University has resolved to follow the MCI norms from April 2015 examination sessions onwards. Therefore, the contention of the learned counsel for the petitioner that it has to be implemented only in the next academic year, is without any substance. Therefore, these Writ petitions fail and the same are dismissed.



No costs. Consequently, connected M.Ps. are closed.

Sd/-

Assistant Registrar (Records)

/True copy/

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Sub Assistant Registrar

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
TAMIL NADU DR. M.G.R. MEDICAL UNIVERSITY, NO. 69, ANNA SALAI,
GUINDY, CHENNAI- 600 032.
3. THE DIRECTOR, THE INSTITUTE OF ANESTHESIOLOGY,
MADURAI MEDICAL COLLEGE & GOVT. RAJAJI HOSPITAL, MADURAI- 625 020.
4. THE DEAN,
MADURAI MEDICAL COLLEGE & GOVT. RAJAJI HOSPITAL, MADURAI- 625 020.
5. THE HEAD OF THE DEPT., DEPT., OF OBSTETRICS AND GYNAECOLOGY,
MADURAI MEDICAL COLLEGE AND GOVT., RAJAJI HOSPITAL, MADURAI.
6. THE DIRECTOR, THE INSTITUTE OF PAEDIATRICS,
MADURAI MEDICAL COLLEGE AND GOVT., RAJAJI HOSPITAL, MADURAI-20.
7. THE HEAD OF THE DEPT., DEPT., OF RADIOLOGY,
MADURAI MEDICAL COLLEGE AND GOVT., RAJAJI HOSPITAL, MADURAI-20.

+1cc to Mr.C.Karthick, Advocate in SR.56647
+1cc to Mr.R.Vijayakumar, Advocate in SR.56749
+1cc to the Special Government Pleader in SR.56818

W.P. (MD) Nos.17318 to 17325 of 2015
25.09.2015

nbj

PBK/MP 19/11/2015 ::4p-11c: