

**HON'BLE THE ACTING CHIEF JUSTICE DILIP B.BHOSALE
AND
HON'BLE SRI JUSTICE S.V.BHATT**

W.A.Nos.1030,1032 AND 1033 OF 2015

COMMON ORDER: *(Per Hon'ble Sri Justice S.V.Bhatt)*

Heard learned counsel Sri Taddi Nageswara Rao,
Sri K.V.Simhadry, Sri Ch.Jagannatha Rao, Sri Venkateshwarlu
Nimmagadda and Sri V.Raghu.

The writ appeals are directed against the common order dated 27.10.2015 in writ petition Nos.32850 and 34084 of 2015 and order dated 05.11.2015 in writ petition No.36163 of 2015. Through the common order in the appeals, the leaned Single Judge directed the appellants as follows:

“ In view of the above, I have no hesitation to hold that the conduct of clinical /practical and oral examinations by the same set of examiners both for M.D./M.S., and Diploma candidates is contrary to the regulations, and accordingly, respondent is directed to conduct a re-examination of clinical/practical and oral examination within three (3) weeks from the date of receipt of a copy of the order, and evaluate the same along with the written examination marks, in which the petitioners already appeared and declare the results, within two (2) weeks thereafter.”

On 26.11.2015, we have heard the learned counsel appearing for all the parties. The primary objection of appellants against the common order under appeals is that the learned Single Judge, it appears from the order excerpted above, directed the appellants to conduct clinical/practical and oral examinations for all the students who appeared in the subject examinations without finding fault with the subject examinations or the subject examinations are set aside. Further, the successful candidates in those examinations are not added as party respondents. On the other hand, learned counsel appearing for

respondents/writ petitioners contended that the direction of learned Single Judge is exclusively for the writ petitioners and cannot be understood as any direction issued to the candidates who have already completed the clinical/practical and oral examinations. The learned standing counsel for the appellants agreed to get clarification on this issue from the learned Single Judge and would make submissions subject to the clarification, if any, issued by the learned Judge. Today, at the time of hearing, the order dated 01.12.2015 in WPMP No.50158 of 2015 in Writ Petition No.32850 of 2015 is placed on record and it reads as follows:

“This application came up for clarification of the order dated 27.10.2015 in W.P.Nos.32850 and 34084 of 2015.

Out of total 32 candidates who appeared for degree and diploma examinations held in April,2015 and also practical examinations held from 12.05.2015 to 15.05.2015, 15 candidates have passed and the remaining 17 candidates failed. Out of 17 candidates, 13 candidates are the petitioners in WP No.32850 of 2015.

In WP Nos.22858 and 23391 of 2015 dated 22.09.2015, I held that reexamination shall be conducted to all the failed candidates.

In view of the same and in view of the non-observation of the rule, it is appropriate to hold re-examination in respect of clinical, practical and oral tests for all the 17 failed candidates.

So far as W.P.No.34084 of 2015 is concerned, as there is only one candidate who appeared for P.G. Examination, re-examination shall be conducted to the lone candidate.”

From the above, it is clear that the objection on which the challenge to order dated 27.10.2015 is made does not survive. We have perused the orders impugned in the appeals and also the other material on record. We are satisfied that in view of the limited prayer granted by the learned Single Judge, the orders under appeals do not warrant interference. Having regard to peculiar facts and circumstances of this case, the writ appeals are dismissed. The learned standing counsel after the order is dictated submits that the orders under appeals may not be treated as precedent in future for that the contentions of University are not fully addressed in the order under appeals. Keeping in mind the further

submission of learned standing counsel, we make it clear that the orders impugned in the writ appeals shall be treated as confined to the peculiar facts and circumstances of this case and the orders shall not be treated as precedent. All the contentions of appellant-university regarding Clause 14 of Post Graduate Medical Education Regulations 2000 are kept open.

Consequently, miscellaneous petitions, if any pending, also stand disposed of.

**DILIP
B.BHOSALE, ACJ**

S.V.BHATT,J

Date: 08.12.2015
Stp