

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 16.06.2016

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.994/2016

& WMP.Nos.747, 748 & 13101/2016

Ms.Aaliya Parveen

..Petitioner

-Versus-

- 1.The Chairman
The Tamilnadu Dr.MGR Medical University
69, Anna Salai, Guindy, Chennai 600 032.
- 2.The Registrar,
The Tamilnadu Dr.MGR Medical University
69, Anna Salai, Guindy, Chennai 600 032.
- 3.The Controller of Examination
The Tamilnadu Dr.MGR Medical University
69, Anna Salai, Guindy, Chennai 600 032.
- 4.The Principal
Government Unani Medical College
Arumbakkam, Chennai 600 106.
- 5.The Academic Officer
Dr.MGR Medical University
Chennai.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking for a writ of mandamus directing the respondents 1 to 5 to permit the petitioner to write her 3rd IA and final examinations 2016 along with the regular batch mate scheduled on the 1st week of the month of February 2016.

For Petitioner	:	Mr.I.Abdul Basith
For RR 1, 2, 3 & 5	:	Mr.D.Ravichandar
For R4	:	Mr.R. Vijayakumar, Addl.Govt.Pleader

ORDER

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

2 The petitioner, while pursuing her III Professional Bachelor of Unani Medicine and Surgery [B.U.M.S.], was declared fail in the subject, namely, "ILMUL ADWIA KULIATH E ADWIA AND ILMUL ADWIA MUFRADAD", in the result declared during October 2014. In this regard, the petitioner made a request to the 1st respondent / University for second valuation and it was denied and therefore, she approached this Court by filing WP.No.31158/2014 and the said writ petition was ordered and the review application filed by the 1st respondent / University was also dismissed and subsequent to the re-valuation, the petitioner was declared pass and the same was published by the University on 31.01.2015. The petitioner was also allowed to pursue her course and the grievance expressed by the petitioner is that with regard to the period between October 2014 and January 2015, citing lack of attendance, she sought clarification in the form of representation dated 16.12.2015, followed by a reminder dated 28.12.2015 and since no orders have been passed, she came forward to file the present writ petition.

3 Heard the submissions of the learned counsel for the petitioner ; Mr.D.Ravichandar, learned counsel appearing for the respondents 1 to 3 and 5 and Mr.R.Vijayakumar, learned Additional Government Pleader appearing for the 4th respondent.

4 Learned counsel for the petitioner would submit that the petitioner cannot be faulted with even for the sake of argument, that there was lack of attendance for the reason that on account of the litigation pertaining to her re-valuation, it had occurred and prays for appropriate orders.

5 Per contra, Mr.D.Ravichandar, learned counsel for the respondents 1 to 3 and 5 has produced a written instructions, which states among other things, that the examination fee from the petitioner for appearance in III Professional B.U.M.S. along with regular batch, has been collected on 22.12.2015 and since she completed the minimum attendance on 18.01.2016, the fees collected has been remitted to the 1st respondent / University and she was also allowed to write the subsequent examinations and the results are yet to be published.

6 In view of the stand taken by the respondents 1 to 3 and 5, there cannot be any impediment for the respondents 1 to 3 and 5 to declare the results of the final year examination written by the petitioner.

7 Accordingly, the writ petition is disposed of and the respondents 1 and 2 are directed to declare the final year examination results of the petitioner, as and when it is declared. No costs. Consequently, the connected miscellaneous petitions are closed.

AP

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

- 1.The Chairman
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Dr.MGR Medical University
Chennai.

+ 2 ccs to Mr.I.Abdul Basith, Advocate Sr Nos.33259, 33889

+ 1 cc to Mr.D.Ravichander, Advocate Sr 33192

KR/24/6/16

W.P.No.994/2016