

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.11.2017

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH  
AND  
THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

W.A.No.1500 of 2017  
and  
C.M.P.No.19794 of 2017

1. The Controller of Examinations,  
The Tamilnadu Dr.M.G.R. Medical University,  
No.69, Anna Salai, Guindy, Chennai 600 032.
2. The Registrar,  
The Tamilnadu Dr.M.G.R. Medical University,  
No.69, Anna Salai, Guindy, Chennai 600 032.

Appellants/Respondent 1 & 3

Versus

1. G.Dharshini
2. Medical Council of India,  
Pocket 14, Sector 8, Dwaraka,  
New Delhi 110 077.

Respondents/Petitioner 2<sup>nd</sup> Respondent

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 3.10.2017 passed in W.P.No.18825 of 2017 on the file of this court.

WP.NO.18825/2017

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to promote the petitioner (Register No.341511351) in the qualifying examination held in May 2017 for the Post Graduate Diploma in Obstetrics and Gynaecology

For appellants : Mr.D.Ravichander

## JUDGMENT

(Judgment of the court was made by HULUVADI G.RAMESH, J.)

Heard the learned counsel appearing for the appellants.

2. Challenging the order passed by the learned Single Judge, directing the appellants to round off the qualifying marks obtained by the first respondent herein to 50% from 49.66%, the writ appeal has been preferred by the University.

3. The stand taken by the appellants is that the principle of rounding off the marks is deprecated by the Honourable Supreme Court in the case of *ORISSA PUBLIC SERVICE COMMISSION v. RUPASHREE CHOWDHARY* ((2011) 8 SCC 108) and in the case of *RAJIV GANDHI UNIVERSITY OF HEALTH SCIENCES v. G.HEMALATHA* ((2012) 8 SCC 568).

4. On going through the order passed by the learned Single Judge, we find that the learned Single Judge has appreciated the entire materials in the light of earlier decisions in similar cases and also the credentials of the first respondent by weighing the marks secured by her in other subjects. So far as the decisions relied upon by the learned Special Government Pleader to substantiate the stand of the appellants is concerned, we find that the decision rendered in the case of *Orissa Public Service Commission* is concerned, it relates to Service Law and the principle of rounding off the marks was sought for by the candidate to get eligible for an interview and the other case viz., *Rajiv Gandhi University of Health Sciences's* case is concerned, it relates to rounding off the marks in the qualifying examination for admission to the PG course and therefore, in both the cases, the principle of rounding off the marks would adversely affect the other candidates who may be in queue. The case on hand stands on a different footing. The first respondent herein requires such rounding off marks only to get through the examination to complete her PG course. The learned Single Judge has rightly appreciated the merits of the case in the light of the precedents and directed for rounding off the marks which certainly cannot be deemed as adverse to the interest of any other candidate.

5. Further, the method of Examinations conducted and evaluation of the students in our country as per our educational system is concerned, we are of the view that nothing is scientific and full-proof, but, it is based on the wisdom, perception and experience of the educationists and the persons doing the valuation, among whom, one may be very lenient and another may be very stringent. Some time it is memory test. For that probable cause, a meritorious candidate should not be blamed and made to suffer one long year in her career. In that

view of the matter, we do not find any error in the order passed by the learned Single Judge.

6. In the result, the writ appeal is dismissed at the admission stage itself. No costs. The connected miscellaneous petition is also dismissed.

Sd/-

Asst.Registrar (CS V )

/true copy/

Sub Asst. Registrar

To:

1. The Controller of Examinations,  
The Tamilnadu Dr.M.G.R. Medical University,  
No.69, Anna Salai, Guindy, Chennai 600 032.
2. The Registrar,  
The Tamilnadu Dr.M.G.R. Medical University,  
No.69, Anna Salai, Guindy, Chennai 600 032.
3. The President,  
Medical Council of India,  
Pocket 14, Sector 8, Dwaraka,  
New Delhi 110 077.

+ 1 cc to Mr.D.Ravichander Advocate,SR.82744

W.A.No.1500 of 2017

kk(co)  
nr 26/12/2017

सत्यमेव जयते

WEB COPY