

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.08.2017

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

Writ Petition No.4917 of 2014

Ranjana Elizabeth Joseph

..Petitioner

Vs.

1.The Registrar

The Tamil Nadu Dr.M.G.R. Medical University  
No.69, Anna Salai  
Guindy, Chennai-600 032.

2.The Controller of Examination

The Tamil Nadu Dr.M.G.R. Medical University  
No.69, Anna Salai,  
Guindy, Chennai-600 032.

3.The Dean

Christian Medical College  
Vellore - 632 002.

..Respondents

Prayer :

Writ petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, directing the respondent University to issue a corrected mark sheet to the petitioner having Regn.No.52094051 for the first year MBBS examination held during August 2010 following the MCI Regulations and declaring the petitioner as pass in the said examination, within a time to be fixed by this Hon'ble Court.

For Petitioner : Mr.S.Thanka Sivan

For Respondents : Mr.Krishna Srinivasan  
for M/s.S.Ramasubramaniam Asso.,  
for R3.  
R1 & R2 - No appearance.

O R D E R

The petitioner seeks for a mandamus directing the respondent University to issue a corrected mark sheet to the petitioner having registration No. 52094051 for the first year MBBS examination held during August 2010 following the MCI

Regulations and declaring the petitioner as pass in the said examination.

2. This matter was listed before this Court on 01.08.2017, after adjourning the matter on several occasions earlier. On 01.08.2017, there was no representation for the respondent University and hence the matter was directed to be posted "for orders" on 02.08.2017. On 02.08.2017, when the matter was listed, it was stated that there was some personal inconvenience for the counsel appearing for the respondents 1 and 2. Thus, the matter was adjourned to 09.08.2017 under the very same caption viz., "for orders". Again on 09.08.2017, when the matter was taken up for hearing, there was no representation for the respondent University, even though the names of both the standing counsels are printed in the cause list. Hence, the matter was adjourned finally to this day, under the very same caption. Today also, when the matter is listed before this Court "for orders", there is no representation for the respondents 1 and 2. It is not known as to why the respondents 1 and 2 are not being represented by their standing counsel in spite of granting several adjournments as stated supra. Thus, it appears that the respondent University and their counsels are not interested in contesting this matter on merits. Therefore, this Court, has no other go, except to go by the affidavit filed in support of the writ petition and the submissions made by the learned counsel for the petitioner.

3. The grievance of the petitioner is that even though, as per MCI Regulations, she is entitled to be declared as pass in the first year MBBS examination, the respondent University has declared her as failed by wrongly considering that the petitioner did not get 50% individually in theory paper. According to the petitioner, such consideration by the University is erroneous as per MCI Regulations and consequently, the petitioner has to be declared as pass by applying the said Regulations. In support of such contention, the learned counsel for the petitioner has relied upon the Division Bench of this Court reported in ([2012] V 1 MLJ 865) and the decision of the Apex Court reported in ([2007] V 10 SCC 201). Ventilating such grievance, the petitioner has already made a representation on 01.01.2014. It is stated that the said representation has not been considered by the respondent University so far.

4. Considering the above stated facts and circumstances and considering the fact that this writ petition is not defended by the respondent University either by filing a counter or by making their appearance before this Court through their counsel, this Court, is of the view that the respondent University has to consider the claim of the petitioner made through her representation dated 01.01.2014 and pass orders on the same,

also by taking note of the above two decisions relied on by the petitioner, especially when the petitioner has specifically averred in the said representation that the similarly situated persons have been issued with fresh mark sheet declaring them as pass in accordance with MCI Regulations. Accordingly, this writ petition is disposed of, with a direction to the respondents 1 & 2, to consider the said representation of the petitioner dated 01.01.2014 and pass orders on the same, by taking note of the above decisions of this Court and the Apex Court, within a period of four weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Asst.Registrar (CS VI )

/true copy/

Sub Asst. Registrar

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To

- 1.The Registrar  
The Tamil Nadu Dr.M.G.R. Medical University  
No.69, Anna Salai  
Guindy, Chennai-600 032.
- 2.The Controller of Examination  
The Tamil Nadu Dr.M.G.R. Medical University  
No.69, Anna Salai,  
Guindy, Chennai-600 032.
- 3.The Dean  
Christian Medical College  
Vellore - 632 002.

+1cc to M/S.S.Thankasivan, Advocate Sr. 59126  
+1cc to M/S.S.Ramasubramaniam Associates Sr. 59150

W.P. No.4917 of 2014

SAI (CO)  
VR(28/08/2017)