

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.05.2017

CORAM

THE HONOURABLE MR JUSTICE R. MAHADEVAN

W.P. No. 11602 of 2017

&

W.M.P. No. 12612 of 2017

Jaina Cheerankuzhy

..Petitioner

Vs.

1. The Medical Council of India,
MCI Building Pocket - 14,
Sector -8, Dwarka Phase-I,
New Delhi - 110 077.
2. Controller of Examinations
Pondicherry University,
Kalapet, Pondicherry - 605 104
3. Sri Venkateswara Medical College
Hospital & Research Centre,
Ariyur, Puducherry - 605 102.

..Respondents

Prayer: Petition under Article 226 of the Constitution of India praying for issue of a Writ of Mandamus directing the 2nd respondent to grant 7 (seven) marks as grace marks towards the petitioner's practical test of General Medicine in the III Professional Part II M.B.B.S. held on November, 2016 as per

the Pondicherry University Examination Regulations 2009-2010.

For Petitioner :: Mr.A. Swaminathan

For Respondents :: Mr.T.V. Lakshmanan for R2

O R D E R

This writ petition is filed for issue of a Writ of Mandamus directing the 2nd respondent to grant 7 (seven) marks as grace marks towards the petitioner's practical test of General Medicine in the III Professional Part II M.B.B.S. held on November, 2016 as per the Pondicherry University Examination Regulations 2009-2010.

2. Mr.A. Swaminathan, learned counsel for the petitioner would submit that the judgment dated 11.04.2017 of a Division Bench of this Court rendered in W.A. Nos. 325 to 333 of 2017, in similar circumstances, would squarely apply to the facts of this case. However, relying upon the order dated 11.05.2017 passed by this Court in W.P. No. 2885 of 2017, involving a similar issue, wherein a direction was issued to the authority concerned to consider the representation of the petitioner therein, the learned counsel would submit that it is suffice if a direction is issued to the 2nd respondent to consider the representation of the petitioner dated 02.05.2017, in this regard and pass appropriate orders.

3. Though a larger relief is sought, in view of the submission now made by the learned counsel for the petitioner, for consideration of the representation of the petitioner and the earlier order passed in W.P. No. 2885 of 2017 dated 11.05.2017, this Court, without going into the merits of the case, directs the 2nd respondent to consider the representation of the petitioner dated 02.05.2017, in the light of the judgment dated 11.04.2017 of the Division Bench of this Court rendered in W.A. Nos. 325 to 333 of 2017, especially, paragraph No.11, and pass orders, on merits and in accordance with law, within a period of three weeks from the date of receipt of a copy of this order. The writ petition is disposed of accordingly. No costs. Connected W.M.P. is closed.

18.05.2017

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(Note to Office: Issue order copy by

22.05.2017)

To

1. The Medical Council of India,
MCI Building Pocket - 14,
Sector -8, Dwarka Phase-I,
New Delhi - 110 077.

2. Controller of Examinations
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3. Sri Venkateswara Medical College
Hospital & Research Centre,
Ariyur, Puducherry - 605 102.

R. MAHADEVAN,J.

nv

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18.05.2017

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