

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.06.2017

CORAM:

THE HON 'BLE MRS.JUSTICE PUSHPA SATHYANARAYANA

Writ Petition No.13168 of 2017

Varshini V.S.

... Petitioner

Versus

1. Pondicherry University
rep. by its Registrar,
Kalapet, Pondicherry.
 2. The Controller of Examinations,
Pondicherry University,
Pondicherry.
 3. The Moderation Board constituted by the
Examination Committee for MBBS
Course, rep. by its Chair Person,
Pondicherry University,
Pondicherry.
 4. Medical Council of India
rep. by its Chairman,
Opposite to Mata Sundari College for
Women, New Delhi-110 002.
 5. Sri Manakula Vinayagar Medical College &
Hospital rep. by its Dean,
Kalitheerthalkuppam,
Madagadipet, Puducherry-605 107.
- ... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, seeking for a writ of Mandamus, directing the 2nd respondent to rectify petitioner's Mark Sheet for the examination written by her in November, 2016 with Registration No.296575144 under 2nd respondent and declare her pass in Pediatrics Examination.

For Petitioner : Ms.P.T.Asha
for M/s.Sarvabhauman Associates
For Respondents : Mr.Stalin Abhimanyu for R1 and R2
Mr.V.P.Raman for R4

O R D E R

The petitioner is a student of the 5th respondent college. She joined the college during the academic year 2009-2010. Due to some health problem and family issues, the petitioner could not concentrate on the General Medicine and Pediatrics Examinations. As a result of which, she failed in both subjects in the examination conducted in November, 2013. The petitioner has also given a representation to the 2nd respondent to rectify the doubt in the mark sheet and to issue a fresh mark sheet contending that she had scored the required 50% marks. Again, the petitioner appeared for both the subjects in the examination held on November, 2016 and the petitioner has failed in both the subjects.

2. It is the specific case of the petitioner that she had scored 30 out of 60 marks in theory and 24 out of 40 marks in practical and altogether, she has got 54 marks out of 100 marks in Pediatrics subject and thereby, the petitioner has got 50% marks in aggregate in Pediatrics. Even though, the petitioner has scored above 50%, the mark sheet reflected as though she failed in Pediatrics. Therefore, the petitioner has given a representation to the University and the College to rectify the defect under the mistaken impression that she had obtained 50% as required by the regulations. As there was no response from the University, the present Writ Petition has been filed.

3. The respondents 1 and 2 have filed a Counter Affidavit stating that as per the Pondicherry University MBBS Syllabus and Regulations, the award of marks are clearly given in the Examination Regulations and Distribution of Marks. In the Pediatrics subject, the petitioner has obtained 15 marks out of 40 marks in the Theory Paper, 7 out of 10 in Oral, 8 out of 10 in the Theory Internal, 16 out of 30 in the Practical and 8 out of 10 in Practical Internal and a total of 54 marks. However, the respondents state that the minimum qualification to clear the MBBS Course is clearly mentioned in MBBS Regulations. As per the MBBS Regulations, only the number of components of theory and practical is indicated in the MBBS Mark Sheet and it is not only total theory, total practical marks, but the other components of theory and practical, such as, minimum in Theory Paper I, Theory Paper II, Practical I and Practical (Internal) and only on the successful completion of the internship etc., the candidate will be declared pass. To get a pass in the subjects, the regulations specifically explain that in each of the subject, the candidate must obtain 50% aggregate with a minimum of 50% in theory including oral and minimum of 50% in

practicals. In addition, the candidate should also obtain minimum 40% in University Theory Examination. Admittedly, the petitioner had secured only 15 marks out of 40 marks whereas the pass per centage is 16.

4. Going by the above regulation, the petitioner has obviously failed in Pediatrics paper. The award of marks and the criteria for pass as explained in the Regulations have not been challenged by the petitioner. The contention of the petitioner cannot be sustained.

5. In the result, the Writ Petition fails and the same is accordingly dismissed. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

tsi

To

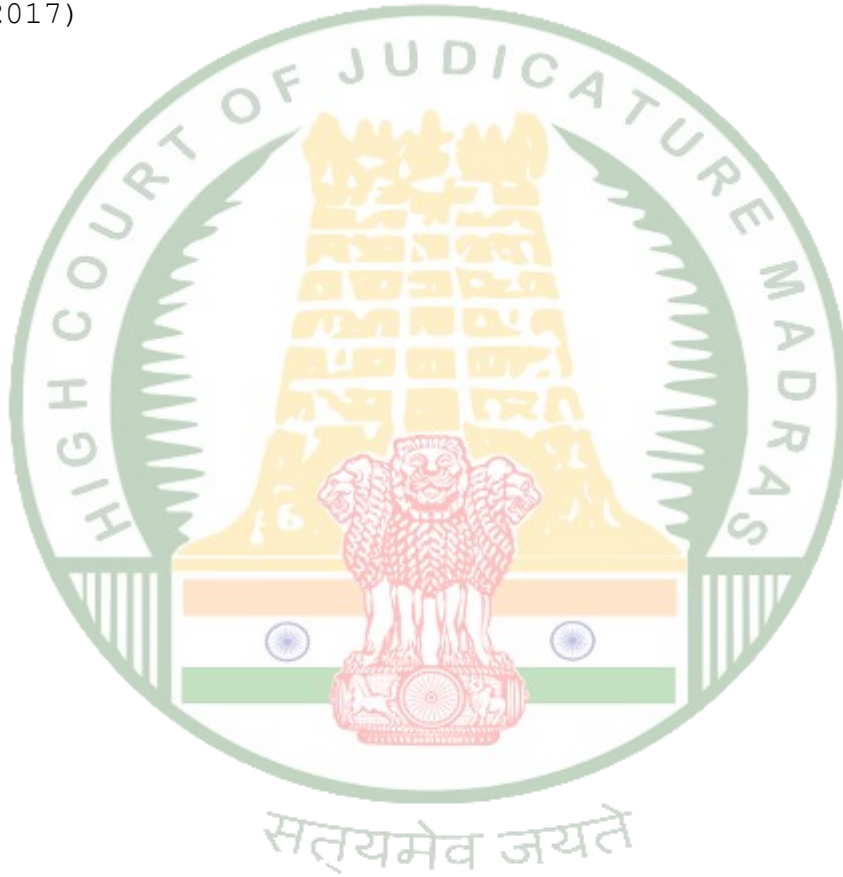
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3. The Chair Person,
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4. Chairman,
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Opposite to Mata Sundari College for
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5. The Dean,
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Hospital,
Kalitheerthalkuppam,
Madagadipet, Puducherry-605 107.

+1cc to Mr.Stalin Abhimanyu, Advocate Sr. 41536
+1cc to M/S. Sarvabhauman Associates Sr. 41731

W.P.No.13168 of 2017

VR(22/06/2017)



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