

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.01.2017

CORAM

THE HONOURABLE MR.JUSTICE B.RAJENDRAN

Writ Petition No. 20855 of 2016

Dr. K.S. Arun Prakash

.. Petitioner

Versus

1. Sri Manakula Vinayagar Medical College
and Hospital
represented by its Director Principal
Kalitheerthalkuppam, Madagadipet
Puducherry - 605 107
 2. Controller of Examination
Pondicherry University
Kalapet, Puducherry - 605 014
 3. The Medical Council of India
MCI Building Pocket - 14
Sector-8, Dwarka Phase-1
New Delhi - 110 077
 4. Dr. R.N. Kagne
Head of Department
(Forensic Medicine)
Sri Manakula Vinayagar Medical College
and Hospital
Kalitheerthalkuppam, Madagadipet
Puducherry - 605 107
- .. Respondents

Petition filed under Article 226 of The Constitution of India praying for a Writ of Mandamus directing the second respondent to revalue all the theory/written papers of the petitioner in examination held during the month of March April 2016 for M.D. Forensic Medicine and to publish the results within the time stipulated by this Court.

For Petitioner : Mr. M. Venkatachalapathy,
Senior Advocate
for Mr. R. Ganesh Kumar

For Respondents: Mr. Stalin Abhimanyu for R2
Mr. V.P. Raman for R3

ORDER

I heard the learned counsel on either side. Earlier, when the writ petition was taken up for hearing on 02.11.2016, this Court, after hearing the counsel for both sides, passed the following order.

"As directed by this Court, the second respondent has evaluated the mark sheets of the petitioner and the result thereof along with the evaluated mark sheets as well as the answer sheets in original were submitted to this Court in a sealed cover and it was opened in the presence of the counsel for both sides.

2. The learned senior counsel for the petitioner, upon perusal of the evaluated result, would only contend that the index to the marksheet have been filled up using both pencil as well as pen. The learned senior counsel for the petitioner, atleast, is able to point out two discrepancy where either excess mark has been awarded or lesser mark has been given, both by using pencil and by pen with totally different inscription. Therefore, the learned Senior counsel for the petitioner prayed this Court to direct the Pondicherry University to appoint one more independent examiner or valuer to evaluate the answer sheets of the petitioner and to submit a report to this Court.

3. On the other hand, the learned standing counsel for the second respondent would contend that as directed by this Court, the papers of the petitioner were evaluated not by one examiner but by four examiners. It is only a tabulation of marks and there is no additions. Probably, there may be a totalling mistake. At any rate, the petitioner has failed in all the subjects he had written and therefore, he prayed for dismissal of the writ petition.

4. Be that as it may, without going into the alleged discrepancies pointed out by the learned senior counsel for the petitioner, this Court feels that the request of the learned Senior counsel for the petitioner to appoint one more independent examiner or valuer to evaluate the answer sheets of the petitioner can be considered. Accordingly, Puducherry University, the second respondent in this writ petition, is directed to appoint an independent examiner or valuer, who shall re-

evaluate all the papers of the petitioner and submit a report to the Puducherry University. The University in turn shall forward the re-evaluated papers and/or result to be submitted by the independent examiner to this Court in a sealed cover on or before 21.11.2016.

5. Post this writ petition for further hearing on 21.11.2016.

2. Thus, by the order dated 02.11.2016, at the instance of the learned Senior counsel for the petitioner, this Court directed the second respondent to re-evaluate the answer papers of the petitioner by an independent examiner dehors the earlier evaluation made at the instance of this Court. As per the direction issued by this Court on 02.11.2016, today, the learned counsel for the second respondent produced a sealed cover containing the evaluation of the answer papers of the petitioner done by an independent examiner on 14.12.2016. Even as per the evaluation, the petitioner has not secured the pass marks. Therefore, this Court is of the view that no relief could be granted in favour of the petitioner. The writ petition is therefore dismissed. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

rsh
To

1. Controller of Examination
Pondicherry University
Kalapet, Puducherry - 605 014
2. The Medical Council of India
MCI Building Pocket - 14
Sector-8, Dwarka Phase-1
New Delhi - 110 077

+1cc to Mr.R. Ganesh Kumar, Advocate, S.R.No.185

svi(CO)
md(23/02/2017)

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