

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED:14.09.2017
CORAM

THE HONOURABLE MR. JUSTICE N. KIRUBAKARAN

W.P. No. 22721 of 2016

S. Aravindhan
rep. by his father & natural guardian
K. Saravanan

..Petitioner

Vs.

1. Union of India,
rep. by the Secretary to Government,
Ministry of Health & Family Welfare,
Govt. Of India, New Delhi.
2. Jawaharlal Institute of Post Graduate
Medical Education & Research(JIPMER)
rep. by its Director,
JIPMER Academic Centre,
Dhanvantri Nagar P.O.,
Puducherry - 605 006.
3. The Dean (Academic)-cum-Central Public
Information Officer,
Jawaharlal Institute of Post Graduate
Medical Education & Research(JIPMER)
III Floor, Academic Section,
JIPMER Academic Centre,
Dhanvantri Nagar P.O.,
Puducherry - 605 006.

...Respondents

Prayer: Petition under Article 226 of the Constitution of India praying for issue of a Writ of Mandamus directing respondents 2 and 3 to furnish (i) scanned copy or print-out copy of my answer sheet bearing Roll No. 156030146 together with Tabulation Sheet (For evaluating my answer) for the JIPMER MBBS Entrance Examination held on 05.06.2016 (ii) Answer Key issued by JIPMER for the JIPMER MBBS Entrance Examination held on 05.06.2016 within the time that may be fixed by this Court.

For Petitioner :: Mr.T.P. Manoharan,
Senior Counsel for
Mr.T.M. Naveen

For Respondents:: Mrs.Sunita Kumari
Central Govt. Standing Counsel
for R1
Mr.G. Rajagopalan,
Additional Solicitor General for
Mr.M.T. Arunan for R2 & R3

ORDER

This writ petition has been filed to direct respondents 2 and 3 to furnish (i) scanned copy or print-out copy of the petitioner's son's answer sheet bearing Roll No. 156030146 together with Tabulation Sheet (For evaluating my answer) for the JIPMER MBBS Entrance Examination held on 05.06.2016 (ii) Answer Key issued by JIPMER for the JIPMER MBBS Entrance Examination held on 05.06.2016 within a time frame.

2. The petitioner's son, after completing his Plus Two Course, applied for admission to MBBS Degree Course during the academic year 2015-2016 to the 2nd respondent and appeared for the online examination conducted on 05.06.2016. According to the petitioner, though his son had given correct answers to about 150 questions out of 200 questions, however, when the final merit list was published, the marks obtained in each subject were converted to percentile, resulting in the petitioner's son getting lesser marks and thereby depriving him of being selected. Hence, an application was submitted by the petitioner's son on 17.06.2016 to the 3rd respondent in the prescribed format under the Right to Information Act, 2005, requesting to furnish the following documents:

(i) Scanned copy or print-out copy of petitioner's son's answer sheet bearing Roll No.156030146 together with Tabulation Sheet (for evaluating his answer) for the JIPMER MBBS Entrance Examination held on 05.06.2016.

(ii) Answer key issued by JIPMER for the JIPMER MBBS Entrance Examination held on 05.06.2016.

Since the said documents were not furnished, the petitioner has come forward with the present writ petition.

3. As far as the first limb of the prayer is concerned, it is submitted by the learned Senior Counsel for the petitioner that pursuant to the interim orders passed by this Court dated 04.08.2016, the answer sheets of the petitioner's son as well as the key answers have been furnished.

4. As far as the second limb of the prayer is concerned, which relates to uploading of question papers and key answers by JIPMER, it is submitted by Mr.M.T. Arunan that it is the intellectual property of JIPMER and to avoid exposure of confidential booklet in the public, JIPMER is avoiding uploading. Moreover, it is his submission that the Institute has to prevent information from going into the hands of exploiters, misusers, moneymakers, in the name of coaching centres.

5. However, the learned senior counsel for the writ petitioner would submit that the very same contention was raised already before this Court and the same was negatived in

Dr.Ayyamperumal V. Director, JIPMER, Puducherry and others in W.P. No. 8101 of 2014 by order dated 18.11.2014 and the appeal filed as against the said order in W.A. No. 1656 of 2014 was also dismissed by judgement dated 06.02.2015. Hence, in the light of the earlier decision of this Court, respondents 2 and 3 cannot raise the very same plea, which has already been rejected by the Division Bench of this Court.

6. In the light of the above submission and the earlier decision of the Division Bench of this Court in the aforesaid case, respondents 2 & 3 are directed to upload the key answers in future, soon after the exams are over. With the above direction, the writ petition is dismissed. No costs.

Sd/--

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary to Government,
Ministry of Health & Family Welfare,
Govt. Of India, New Delhi.
2. The Director,
Jawaharlal Institute of Post Graduate
Medical Education & Research(JIPMER)
JIPMER Academic Centre,
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3. The Dean (Academic)-cum-Central Public
Information Officer,
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III Floor, Academic Section,
JIPMER Academic Centre,
Dhanvantri Nagar P.O.,
Puducherry - 605 006.

Copy to:The Section Officer, Writ Section
High Court, Madras.

+1cc to Mr.M.T.Arunan, Advocate SR.No.67134

+1cc to M/s.Sunita kumari, Advocate SR.No.66934

RV(CO)

sm:23.1.2018

W.P.No.22721 of 2016