

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.09.2017

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

Writ Petition No.25883 of 2003
and
WP.MP.No.31745 of 2003

Muktesh Dwivedi

..Petitioner

Vs.

- 1.Pondicherry University
represented 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,
represented by its Chair Person
Pondicherry University, Pondicherry.
- 4.Medical Council of India
represented by its Chairman
Opposite to Mata Sundari College for Women,
New Delhi - 110 002.
- 5.Vinayaka Mission's Medical College
represented by its Dean
Keezhakasakudimedu
Kuttucherry Post,
Karaikal - 609 609, Pondicherry State.

..Respondents

Prayer :

Writ petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorari, calling for the records of the respondents relating to the order of the 2nd respondent in PU/CE/E5/MBBS/2003/767 dated 29.08.2003 and quash the same.

For Petitioner : Mr.Kandavadivel Doraisami
For Respondents : Mr.K.Srinivasan
standing counsel for R1 & R2
R3 to R5 - No appearance

O R D E R

Heard both sides.

2. The petitioner is aggrieved by the Memorandum dated 29.08.2003, issued by the Pondicherry University which rejected the request of the petitioner for awarding grace marks in four papers in the final year MBBS course, where he failed in all those four papers.

3. The learned counsel appearing for the petitioner submitted that out of six papers written by the petitioner in the final year MBBS course, he passed two papers and failed in four papers with short of one mark in each paper for getting pass. Therefore, he submitted that the petitioner's request for awarding grace marks in each paper has not been considered by the respondent University.

4. A counter affidavit is filed by the second respondent, wherein it is stated that as per the then existed mandatory guidelines of MCI, grace marks can be awarded only if the candidate fails in one subject after passing other subjects, whereas the petitioner has failed in all the four subjects and therefore, the petitioner is not entitled to the relief as sought for by him.

5. Considering the above stated facts and circumstances and considering the fact that the award of grace marks for all the four subjects, where the petitioner fails, is not permissible, as per the then existed MCI guidelines, this Court is of the view that the petitioner is not entitled to succeed in this writ petition. Accordingly, the writ petition fails and the same is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

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To

1. Pondicherry University
represented by its Registrar
Kalapet, Pondicherry.

2. The Controller of Examinations
Pondicherry University
Pondicherry.

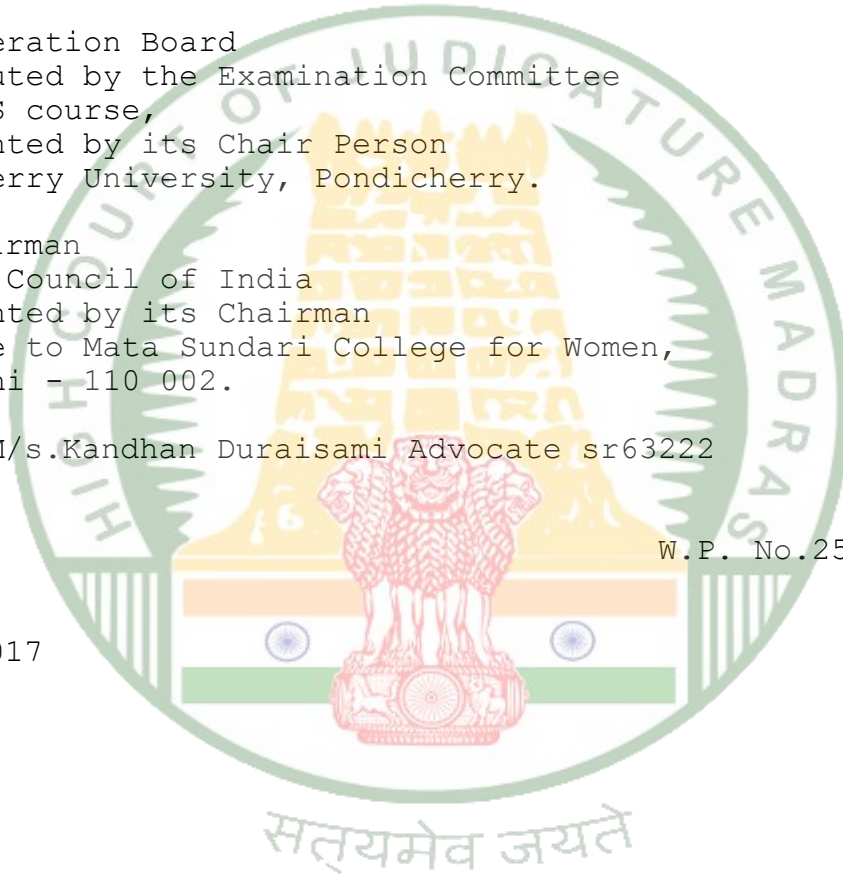
3. The Moderation Board
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represented by its Chairman
Opposite to Mata Sundari College for Women,
New Delhi - 110 002.

+1 cc to M/s. Kandhan Duraisami Advocate sr63222

W.P. No.25883 of 2003

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