

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.07.2018

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.9104 of 2018

and

W.M.P.No.10929 of 2018

D.Sobica

.. Petitioner

Vs.

1. The Chancellor,
Bharat Deemed University,
No.173, New Agaram Road,
Selaiyur, Chennai-600 073.
2. The Vice Chancellor,
Bharat Deemed University,
No.173, New Agaram Road,
Selaiyur, Chennai-600 073.
3. The Dean,
Sri Lakshmi Narayana Institute of
Medical Sciences,
Osudu, Agaram Village,
Kudapakkam Post,
Puducherry-605 502.
4. The Controller of Examinations,
Bharat Deemed University,
No.173, New Agaram Road,
Selaiyur, Chennai-600 073.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the respondents to furnish the petitioner's answer sheets of the M.B.B.S. Final Year Part-II Degree Exams - February 2018 conducted by the fourth respondent in Sl.No.126, Regn.No.U13MB267 and revalue her answer sheets of General Medicine, General Surgery, Obstetrics and Gynecology and Pediatrics subjects and also the Practical Examinations.

For petitioner : Mr.C.K.M.Appaji
For respondents : Mrs.Hema Sampath, Senior Counsel for
Mr.S.Raveekumar

ORDER

The petitioner has come forward with the above Writ Petition praying for issuance of a Writ of Mandamus to direct the respondents to furnish the petitioner's answer sheets of the M.B.B.S. Final Year Part-II Degree Exams - February 2018 conducted by the fourth respondent in Sl.No.126, Regn.No.U13MB267 and revalue her answer sheets of General Medicine, General Surgery, Obstetrics and Gynecology and Pediatrics subjects and also the Practical Examinations.

2. When the Writ Petition is taken up for hearing, it is represented by the learned Senior Counsel appearing for the respondents that pursuant to the order of this Court, dated 19.07.2018, the second respondent-Vice Chancellor of the Bharat Deemed University, namely Dr.V.Kanagasabhai is present before this Court and the post of the first respondent-Chancellor is vacant.

3. It is the case of the petitioner that she joined MBBS course in the year 2013-2014 and that she is a bright student and has cleared the examinations in the previous years. Due to the agitation against the University/College, and that as the petitioner's mother led the agitation, the petitioner has been declared fail in the subjects and given no marks. Learned counsel for the petitioner submitted that if the answer papers are produced with regard to the final year, and if re-valuation is done, she would clear all the papers. Learned counsel for the petitioner further contended that the University will have to maintain transparency while dealing with the higher education and they cannot act according to their whims and fancies.

4. Learned Senior Counsel appearing for the respondents submitted that the averments against the respondents are not correct and that there are no specific allegations. It is true that the petitioner has cleared the arrears papers of the previous years, but not in the first attempt, and every year, she could not clear one or more papers, and thereafter, in the re-take examinations, the petitioner has scrapped through the examinations. It is stated that there is no reason as to why the respondents should show enmity to the students. It is further submitted by the learned Senior Counsel that there is no provision for re-valuation and that in respect of the practical examinations, it is based on the questions asked to the

petitioner during the practicals after visiting the patients and the same is evaluated accordingly. (*) Same patients cannot be produced and if produced, the health condition may not be the same. The petitioner took supplementary examinations during the previous years and in some of the papers, she has not cleared in the first attempt and there is no bar for her to take up the examinations. It is verbally submitted that the name of the candidate and the enrolment that has been allotted, will not be found in the answer scripts and dummy numbers will be given and it has been filled up by outsiders and there is no need for the respondents to chase the papers of the students and make her fail. If the student fails, it would reflect on the College/University. That apart, the College/University will have to be very strict, as, after clearing the papers, and after becoming Doctors, the students are going to treat the patients.

5. Heard both sides and perused the materials available on record.

6. From the Regulations of the University, it is clear that there is no provision for re-valuation of the answer papers. There is also no provision that the answer papers should (*) be handed over to the students. Even assuming that the Court is going to direct handing over of the answer papers in which the petitioner failed, as there is no re-valuation, the petitioner would not be entitled to get any benefit. At this stage, it is submitted by the learned Senior Counsel appearing for the respondents that even the last date for submission of the application form to undertake the supplementary examinations is also over.

7. When this Court posed a question to the learned counsel for the petitioner that the petitioner has no right to demand re-valuation and whether the petitioner is interested in taking up the supplementary examinations, even though the last date for the same is already over and that the Vice Chancellor is present before this Court who can be asked to accept the application, the Vice Chancellor has readily accepted that if any application is made, the same would be taken into account and the petitioner would be permitted to sit for the supplementary examinations scheduled in August-September 2018.

8. It is open for the petitioner to pay the necessary examinations fees to the University by NEFT/RTGS by 11 a.m. tomorrow (31.07.2018) and on receipt of the said fees, the University shall forward the Hall Ticket to the petitioner by 5 p.m. tomorrow (31.07.2018). The petitioner/student shall be permitted to take up the examinations and she shall sit for the first examination scheduled on 01.08.2018 and thereafter depending upon the fee that may be paid by the petitioner for

the other papers, the petitioner shall be asked to sit for the remaining examinations.

9. In fact, the bank account details of the University/College had to be produced by the respondents to enable the petitioner to remit the examination fee amount. When once the fee is paid, the Hall Ticket shall be sent by E-mail and it shall be forwarded to the petitioner or to the learned counsel for the petitioner through Whatsapp, which can be verified at the examination hall by producing the other photo identify proofs issued by the Central Government, i.e. Aadhar, Passport, etc.

10. With the above observations and directions, the Writ Petition is disposed of. No costs. Consequently, W.M.P. is closed.

Sd/-

Assistant Registrar(CS II)

dated: 02.08.2018

**(*)Corrected as per order
dated 02.08.2018**

sd/-

Assistant Registrar(CS II)

dated: 06.08.2018

//True Copy//

Sub Assistant Registrar

cs

To

1. The Chancellor,
Bharat Deemed University,
No.173, New Agaram Road,
Selaiyur, Chennai-600 073.

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Bharat Deemed University,
No.173, New Agaram Road,
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3. The Dean,
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Puducherry-605 502.

4. The Controller of Examinations,
Bharat Deemed University,
No.173, New Agaram Road,
Selaiyur, Chennai-600 073.

**to be substituted
as per order of this
court
dated 30.07/2018
already despatched
on 31.07.2018**

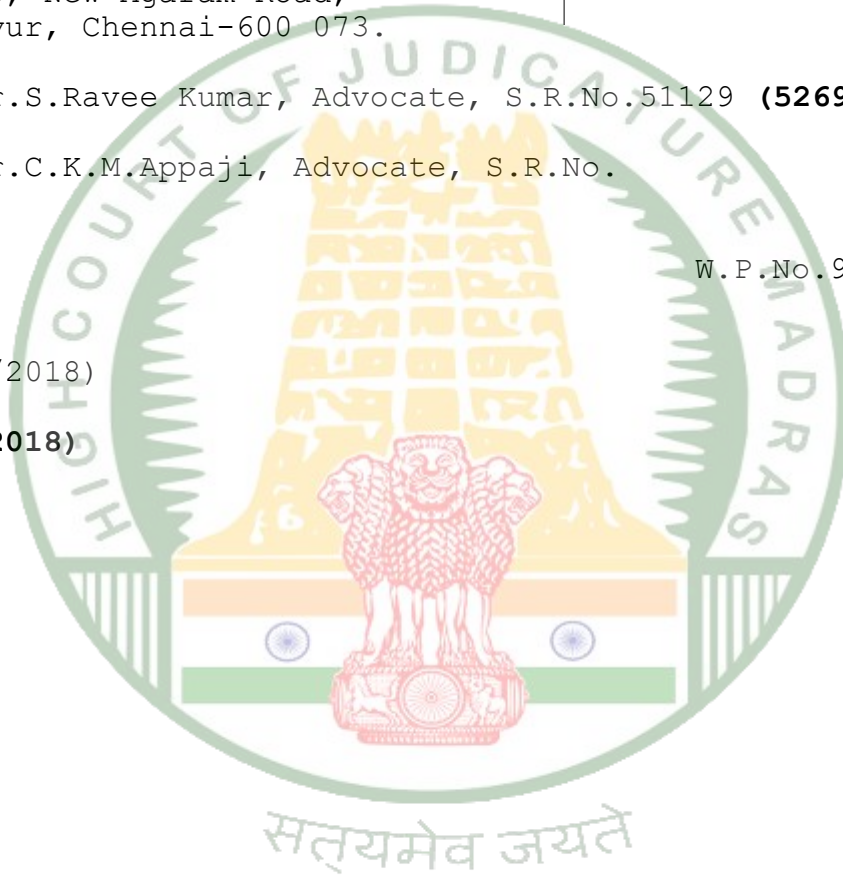
+2cc to Mr.S.Ravee Kumar, Advocate, S.R.No.51129 **(52694)**

+1cc to Mr.C.K.M.Appaji, Advocate, S.R.No.

W.P.No.9104 of 2018

GSP(30/07/2018)

TR(06/08/2018)



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