

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 05.06.2018
CORAM:
THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN
W.P.No.7308 of 2018

K.Aswanth

.. Petitioner

Vs.

1. The Medical Council of India,
Rep. by its Member Secretary,
Pocket No.14, Sector 8,
Dwaraka, Phase-1,
New Delhi-110 077.
 2. The Registrar, Pondicherry University,
R.V.Nagar, Kalapet, Pondicherry.
 3. The Controller of Examinations,
Pondicherry University,
R.V.Nagar, Kalapet, Pondicherry.
 4. The Director, Sri Manakula Vinayagar Medical College,
Pondicherry.
- .. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the respondents 2 and 3 herein to consider the petitioner's representation, dated 19.03.2018 and declare the petitioner as Pass in Physiology and Bio-chemistry Papers undertaken by the petitioner under Registration No.15770220 by awarding the Grace marks to the petitioner.

For petitioner: Mr.AR.L.Sundaresan,
Senior Counsel forthcoming
Ms.AL.Ganthimathi

For respondents: Mr.V.P.Raman for R-1
Mrs.A.V.Bharathi for RR-2 & 3

ORDER

The petitioner has filed the above Writ Petition praying for issuance of a Writ of Mandamus to direct the respondents 2 and 3 herein to consider the petitioner's representation, dated 19.03.2018 and declare the petitioner as Pass in Physiology and Bio-chemistry Papers undertaken by the petitioner under Registration No.15770220 by awarding the Grace marks to the petitioner. This Court in many cases observed that the award of grace marks is not possible where the candidate has passed in compartmental examination and as per the counter affidavit in this case, it is seen that out of three subjects that the petitioner appeared in November 2017 (IV Attempt), namely

Anatomy, Physiology and Bio-chemistry, he has passed only in one subject, namely Anatomy and failed in the other two subjects. A student can seek grant of grace marks as a matter of right, only if he/she had failed in only one subject among the subjects that he/she appeared for the examinations. In this case, the petitioner has passed only in one subject out of the said three subjects and hence, he is not entitled for grant of grace marks. One of such Writ Petitions is W.P.No.4565 of 2018, in which, this Court, by order dated 10.04.2018 has rejected the case of the petitioner therein for award of grace marks and more particularly, when the Regulations of the Medical Council of India has to be followed in such cases, which will prevail in the matter. Hence, this Writ Petition is also dismissed. No costs.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

CS
To

1. The Medical Council of India,
Rep. by its Member Secretary,
Pocket No.14, Sector 8,
Dwaraka, Phase-1,
New Delhi-110 077.
2. The Registrar,
Pondicherry University,
R.V.Nagar,
Kalapet, Puducherry.
3. The Controller of Examinations,
Pondicherry University,
R.V.Nagar, Kalapet,
Puducherry

+1 cc to Ms.AL.Gandhimathi Advocate sr 34925

+1 cc to Ms.A.V.Bharathi Advocate sr 34692

W.P.No.7308 of 2018

kgk(co)
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