

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.09.2018

CORAM

THE HONOURABLE Mr.JUSTICE V.BHARATHIDASAN

W.P. 47191 of 2006

V.Indra

... Petitioner

Vs

1. The Tamil Nadu Dr.M.G.R. Medical University, rep. by its Registrar, Guindy, Chennai-600 032.

2. The Principal, Sree Mookambigai Dental College, Kulasekaram, Kanyakumari Dt.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of MANDAMUS, directing the 1st respondent to revalue the answer script of the petitioner in respect of the paper "General Surgery" bearing subject code No.4143-III year B.D.S. For the examination held in February 2005 bearing Registration No.54013018.

For Petitioner : Mr.K.Chandrasekaran
for Mr.P.Thirunavukkarasu

For Respondents : Mr.D.Ravichander

सत्यमेव जयते
O R D E R

This writ petition has been filed seeking for a direction to the 1st respondent Dr.M.G.R.Medical University to re-value the answer sheet of the petitioner in respect of general surgery examination.

2. According to the petitioner, she was admitted in the B.D.S. Course in the academic year 2001-2002 in the 2nd respondent college. As per the regulations, the petitioner is permitted to carry over one subject of the first year B.D.S. Course to the second year. The petitioner has also completed the first year successfully, but, the petitioner failed in practical examination in Prothodontics in the second year and she was also

admitted to the third year course. In the third year, she has also passed both practicals and viva voce paper in the supplemental examination conducted in the year 2004. But, in the third year examination, the 1st respondent University has declined to permit the petitioner to appear for the examinations without any reasons except saying that the regulations do not permit the petitioner to take up third year examination and she has to re-do the third year course afresh. In the said circumstances, the petitioner has filed a Writ Petition in W.P.No.1905 of 2005 seeking for a direction to permit the petitioner to appear in the third year B.D.S. course examination, the Writ Petition was also allowed with a direction to the respondents to publish the results. When the results are published, the petitioner has found that she had passed only two subjects out of four subjects.

3. According to the petitioner, the respondents are unnecessarily victimising the petitioner arbitrarily and the 2nd respondent has wantonly failed the petitioner in two subjects vide General Medicine and General Surgery. In general surgery, she has secured only 3 marks less than pass marks. As the petitioner has written the examination very well excepting above 70% of marks, to wreck vengeance on the petitioner for coming to this Hon'ble Court, the 1st respondent has deliberately failed her.

4. Originally, the petitioner has sought for re-totalling the marks in respect of General Surgery paper and subsequently amended the prayer seeking to re-value the answer paper.

5. The 1st respondent has filed the counter affidavit stating that as per the existing regulation, the second year B.D.S. Course students have to write the examinations in the following subjects:-

"Paper I Human Oral Anatomy, Physiology and Histology and Tooth Morphology
Part II - General Pathology and Microbiology.
Part III - General and Dental Pharmacology and Therapeutics
Pre Clinical Prosthodontics
Pre Clinical Conservative Dentistry"

Subsequently, the Board of Studies in Dentistry in its meeting had passed a resolution holding that the students must clear the Preclinical subjects of Prosthetics/Conservative Dentistry before entering into the clinical year (i.e.) III year B.D.S.Course. The above recommendation was also approved by the Board on 27.09.2001.

6. Earlier, the petitioner has filed a Writ Petition permitting her to appear for third year B.D.S. Course and in

pursuant to the interim order, she was also permitted to write the third year examination and subsequently, as per the order passed by this court, results have been published, wherein the petitioner has failed in two subjects. So far as the subject of General Medicine is concerned, she has failed in practical examination, obtained only 13 marks as against the minimum marks of 50 and she has obtained 49 marks as against minimum pass mark of 50 in Oral Pathology, however, the petitioner was awarded four marks as per the recommendation of the Passing Board. In so far as the subject of General Surgery is concerned, she is in need of 3 marks and hence, she was declared as failed. In the said circumstances, the present Writ Petition has been filed.

7. He has further stated that earlier, as per the order passed by this court, the 1st respondent has produced the answer sheet to the petitioner and the petitioner also verified the answer sheet. Again, the petitioner has insisted to produce MCQ answer script and as per the order of this Court, the 1st respondent has produced the MCQ answer script, key and booklet of the question paper. It was also verified by the petitioner's advocate as directed by this court.

8. Subsequently, the petitioner has filed another Writ Petition in W.P. No.22415 of 2007 seeking a direction to the respondents to transfer and admit the petitioner in the fourth B.D.S. Course in the Ragas Dental College, Chennai and the said Writ Petition has been allowed and she was transferred to Ragas Dental College, Chennai. As per the regulations, there is no provision in the university regulation for revaluation of answer paper, the prayer sought for by the petitioner cannot be granted.

9. I have heard the submissions made by Mr.K.Chandrasekaran, learned counsel appearing for the petitioner's counsel and Mr. M.Thirunavukkarasu and Mr.D.Ravichander, learned counsel appearing for respondents.

10. The original prayer sought in the Writ Petition only for re-totalling of marks and subsequently, the petitioner has amended the prayer seeking for revalue of answer sheet. As per the interim order passed by this Court, the answer sheet was produced and the petitioner has also verified the same, subsequently, MCQ answer sheet was also produced, that was also verified by the petitioner. Now, it is stated by the learned counsel appearing for the respondent that there is no provision for revaluation of the answer sheet in the University regulations.

11. On considering the facts and circumstances, I am of the considered view that since there is no provision for revaluation

of answer paper and the 1st respondent cannot be compelled to revalue the answer sheet. Therefore, the prayer sought by the petitioner in the present Writ Petition cannot be granted and hence, there is no merit in the Writ Petition.

12. In the result, the present Writ Petition stands dismissed. No costs.

Sd/-
Deputy Registrar

// True Copy//

Sub Assistant Registrar

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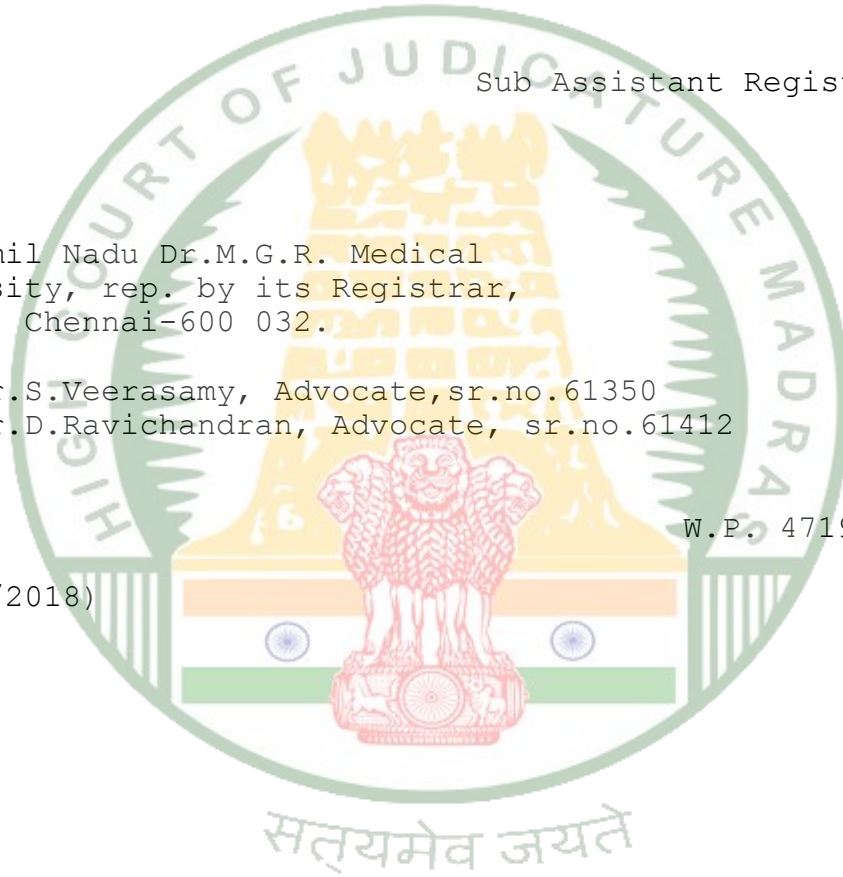
1. The Tamil Nadu Dr.M.G.R. Medical
University, rep. by its Registrar,
Guindy, Chennai-600 032.

+1cc to Mr.S.Veerasamy, Advocate, sr.no.61350

+1cc to Mr.D.Ravichandran, Advocate, sr.no.61412

W.P. 47191 of 2006

RMP (28/09/2018)



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