

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.10.2018

CORAM

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P.No.27026 of 2018
and W.M.P.No.31425 of 2018

Auroprajna Pal

... Petitioner

Versus

- 1.Jawaharlal Institute of Post Graduate,
Medical Education & Research(JIPMER)
Puducherry 605 006.
Rep.by its Director.
- 2.The Dean(Academic)
Jawaharlal Institute of Post Graduate,
Medical Education & Research(JIPMER)
Puducherry 605 006.
- 3.The Registrar(Academic),
Jawaharlal Institute of Post Graduate,
Medical Education & Research(JIPMER)
Puducherry 605 006.

.... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for the issue of Writ of Mandamus, directing the respondents to include the petitioner's Register No.11411031 and allow the petitioner to appear for the Theory and Clinics Send-up Examination of MBBS Final year Part-II Students, JIPMER, Puducherry commencing from 22.10.2018 and subsequently allow the petitioner to pay the fees and fill-up the application form for the MBBS Final year Part-II Examination commencing 12.11.2018.

For Petitioner : Mr.V.Selvaraj

For Respondents : Mr. V.Arunan, Standing counsel

O R D E R

This writ petition is filed for issuance of a Writ of Mandamus, directing the respondents to include the petitioner's Register No.11411031 and allow her to appear for the Theory and Clinics Send-up Examination of MBBS Final year Part-II Students,

JIPMER, Puducherry commencing from 22.10.2018 and subsequently allow the petitioner to pay the fees and fill-up the application form for the MBBS Final year Part-II Examination commencing on 12.11.2018.

2 The petitioner states that she was selected for admission for MBBS degree course in JIPMER. However, though she secured pass in all subjects, it is the specific case that she was deliberately failed in one paper in the Ophthalmology because of some reasons explained in the affidavit filed by the petitioner.

3 The petitioner earlier filed a writ petition in W.P.No.5577 of 2018, seeking re-valuation of her answer paper. Though the writ petition was dismissed, it is stated by the petitioner that she filed a writ appeal in W.A.No.1815 of 2018 before the Division Bench of this Court for re-valuation. However, the re-valuation as per the direction of this Court is yet to be done and it is stated that the petitioner would definitely passed the examination if her answer paper is properly re-valued.

4 However, the second respondent has announced the schedule for the Final year Part-II examination to be held on 12.11.2018. It is further stated that unless the petitioner is permitted to fill the form and pay the fees for the MBBS Final year Part-II Examination, she will not be allowed to take examination as she has to complete the paper for which she has applied for re-valuation. It is only in the interest of protecting the right of the petitioner, the present writ petition is filed.

5 The learned counsel appearing for the respondents on instructions submitted that he need time to get instructions and to file counter. However, this Court directed only to get instruction over phone, so that order can be passed by consent. However, the instruction received by the learned counsel for the respondent is to take time to file counter and sought for time.

6 In these circumstances, taking into consideration the urgency of this matter and the petitioner would be put to untold suffering if she is not allowed to appear in Theory and Clinics Send-up Examination of MBBS Final year Part-II Studies. Hence, this court is inclined to pass the following order:

(a) The respondents are directed to permit the petitioner to appear for the examination namely Theory and Clinics Send-up Examination of MBBS Final year Part-II Studies, which is commencing from 22.10.2018 and allow the petitioner to pay the examination fee and fill up the application form for the Final

year examination commencing on 12.11.2018.

(b) However, this order is subject to result of re-valuation sought for by the petitioner. This Writ Petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is also closed.

Sd/-
Assistant Registrar(CS

//True copy//

Sub Assistant Registrar

rpl/gsi

To

1.The Director,
Jawaharlal Institute of Post Graduate,
Medical Education & Research(JIPMER)
Puducherry 605 006.

2.The Dean(Academic)
Jawaharlal Institute of Post Graduate,
Medical Education & Research(JIPMER)
Puducherry 605 006.

3.The Registrar(Academic),
Jawaharlal Institute of Post Graduate,
Medical Education & Research(JIPMER)
Puducherry 605 006.

+1cc to Mr.M.T.Arunan, Advocate SR.No.71056

+1cc to Mr.D.Jayasingh, Advocate SR.No.71055

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GSP(12/10/2018)

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