

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.12.2018

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.32225 of 2018

R.Mohandass

..Petitioner

-vs-

1. The Medical Council of India
Pocket 14, Sector VIII
Dwarka Phase VII New Delhi
2. The Vice Chancellor
Pondicherry University
Kalapet, Pondicherry
3. The Controller of Examinations
Pondicherry University
Kalapet Pondicherry
4. The Registrar
Pondicherry University
Kalapet, Pondicherry
5. The Venkateshwara Medical College
Hospital and Research Centre
No.13, Pandy-Villupuram Main Road
Ariyur, Pondicherry 605 102

..Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the respondents 2 to 4 to consider the petitioner's representation dated 22.11.2018 and issue a fresh marksheet by including the petitioner's improved internal assessment marks in November 2017.

For Petitioner

::Mr.AR.L.Sundaresan
Senior Counsel for
Mrs.AL.Ganthimathi

For Respondents

::Mrs.A.V.Bharathi
Standing Counsel for R2 to 4

ORDER

Mr.R.Mohandass, who joined the first year MBBS degree

course in Venkateshwara Medical College Hospital and Research Centre, Ariyur, Pondicherry, the fifth respondent herein during the academic year 2014, has come to this Court with a complaint that the improved internal assessment marks have not been added to the total marks. Had it been added, the petitioner would have been declared pass. A representation also has been given to the Registrar, Pondicherry University, the fourth respondent herein. But the said representation has not been considered. Having appeared in two papers viz., Physiology and Bio-chemistry, he was able to get pass marks in Bio-chemistry. Though in Physiology, he was able to get 106 out of 220 marks, as he has got 65 out of 160 marks in theory, 26 out of 40 marks in internal assessment and 15 out of 20 marks in viva-voce, when the results were declared by the University after ten months, the petitioner came to know that the improved internal assessment marks have not been added in the marksheet. Therefore, the learned Senior Counsel submitted that in the light of an order passed by the Hon'ble Division Bench in Writ Appeal No.869 of 2018 dated 28.4.2018 (S.Srisakthish v. The Medical Council of India and two others), if the petitioner's representation is decided, no harm will be caused to any one.

2. The learned standing counsel for the respondents 2 to 4 submitted that the case dealt with by the Hon'ble Division Bench in the aforementioned writ appeal is totally different from the one brought before this Court by the petitioner. Adding further, she stated that the petitioner always fails in all the examinations right from the beginning till date.

Therefore, he is not entitled to get the benefit of the circular.

3. In any event, this issue has to be addressed by the fourth respondent while considering the representation. Therefore, the fourth respondent is hereby directed to consider the representation of the petitioner dated 22.11.2018 on merits and pass appropriate orders in accordance with law within a period of three weeks from the date of receipt of a copy of this order. The writ petition is disposed of accordingly. No costs.

ss

Sd/-

Assistant Registrar (CS)

//True copy//

Sub Assistant Registrar

To

1. The Medical Council of India
Pocket No 14 Sector VII
Dwarka Phase VII New Delhi
2. The Vice Chancellor
Pondicherry University
Kalapet, Pondicherry
3. The Controller of Examinations
Pondicherry University
Kalapet Pondicherry
4. The Registrar
Pondicherry University
Pondicherry

+1cc to Mr.A.L.GANDHIMATHI, Advocate SR.No.84755

+1cc to Mr.A.V.BHARATHI, Advocate SR.No.84533

KR(18/01/2019)

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