



Before the Madurai Bench of Madras High Court
Dated : 19.07.2019

Coram:

The Hon'ble Mr. Justice M.S. RAMESH

WEB COPY

Review Application (MD) No.52 of 2018
& WMP. (MD) No.19779 of 2018
in W.P. (MD) No.16600 of 2018

The Vice Chancellor,
Dr. MGR Medical University,
rep. by its Registrar,
60, Anna Salai, Guindy,
Chennai-600 032.

.. Petitioner

Vs.

1.V.Abinaya

2.The Secretary to Government,
Health & Family Welfare Department,
Fort St. George,
Chennai-600 009.

3.The Interim Administrator,
ATSVS Siddha Medical College,
Mugappair West,
Chennai-600 037.

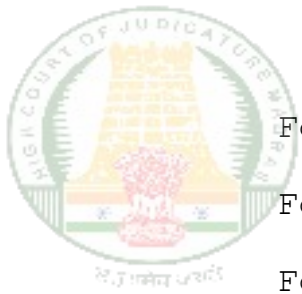
4.The Principal,
ATSVS Siddha Medical College,
Munchirai,
Kanyakumari District-629 171.

.. Respondents

Prayer: Review Application filed under Section 114 r/w. Order 47 Rule 1 of the Code of Civil Procedure, to review the order dated 27.07.2018 passed in W.P.(MD) No.16600 of 2018 by this Court.

Prayer in WP(MD). 16600/ 2018 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus directing the respondent 1 to 4 herein to Revalue the petitioner answer sheet in Clinical examination ie. paper 1 Maruthuvam Professional examination held on 24/05/2018, at A.T.V.S. Siddha Medical College, Munchirai, Kanyakumari District, with support of the petitioner case sheets submitted at the time of Clinical Examination and patients ward case sheets and declare the revised result in accordance with the re-marks the petitioner get after the revaluation .



For Petitioner : Mr.C.Karthik
For Respondent-1 : Mr.B.Chandran
For Respondent-2 : No Appearance
For Respondent : Mr.G.Mohankumar
Nos.3 & 4

WEB COPY

O R D E R

This matter has been heard through video conferencing today. Mr.C.Karthik, learned counsel appeared on behalf of the petitioner and Mr.B.Chandran, learned counsel for the first respondent/writ petitioner as well as Mr.G.Mohankumar, learned counsel appeared on behalf of the respondents 3 & 4.

2. By an order dated 27.07.2018 passed in W.P.(MD) No.16600 of 2018, this Court, while considering the petitioner's request for a direction to revalue the petitioner's answer sheet in Clinical Examination i.e., Paper-I (Maruthuvam) had relied upon the earlier decision of this Court dated 05.01.2016 passed in W.P.(MD) No.8731 of 2015 and observed that since the fourth respondent college was also the same party in the earlier Writ Petition wherein, permission was granted to revalue the petitioner's answer sheet, had taken a similar view and permitted the petitioner's answer sheet in Clinical Examination i.e., Paper-I (Maruthuvam) to be revalued. The order was passed only on the basis of the earlier order of this Court in W.P.(MD) No.8731 of 2015.

3. In the present Review Petition, the main ground taken is that the order in W.P.(MD) No.8731 of 2015, which came to be relied upon by me in my earlier order dated 27.07.2018 in W.P.(MD) No.16600 of 2018, was taken on appeal by the Tamil Nadu Dr.M.G.R. Medical University in W.A.No.579 of 2016 and the order in W.P.(MD) No.8731 of 2015 came to be reversed. This aspect was not brought to the notice of this Court, when I had passed the earlier order in W.P.(MD) No.16600 of 2018 on 27.07.2018. Since the entire order was passed only on the basis of the earlier order passed in W.P.(MD) No.8731 of 2015 and now, it is found that the order has been reversed, my earlier order dated 27.07.2018 cannot be sustained. It can also be termed that such a reliance on the order in W.P.(MD) No.8731 of 2015, could be an error apparent on the face of the record. As such, this Court would be justified in reviewing its earlier order dated 27.07.2018 passed in W.P.(MD) No.16600 of 2018.

4. At this juncture, the learned counsel for the first respondent/writ petitioner submitted that the first respondent/petitioner/Abinaya had subsequently taken the re-examination and had also passed the same, without relying upon my order dated 27.07.2018 passed in W.P.(MD) No.16600 of 2018.



5. In the light of the above observations, the Review Application stands allowed. Consequently, the order of this Court dated 27.07.2018 passed in W.P.(MD) No.16600 of 2018 is recalled and the Writ Petition stands dismissed. Connected Miscellaneous Petition is closed. No costs.

Sd/-

Assistant Registrar ()

// True Copy //

Sub Assistant Registrar(CS)

DP

To

The Secretary to Government,
Health & Family Welfare Department,
Fort St. George,
Chennai-600 009.

+1 CC to M/s.C.KARTHIK, Advocate SR-76505.

Order made in
Review Application (MD) No.52 of 2018
& WMP.(MD) No.19779 of 2018
in W.P.(MD) No.16600 of 2018

19.07.2019

CS(13.08.2019) 3P 3C