



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 27.07.2018
CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

WEB COPY

W.P. (MD) No.16600 of 2018

V.Abinaya

: Petitioner

Vs.

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

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

3.The Vice-Chancellor,
Dr.MGR Medical University,
Rep by its Registrar.

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

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, to direct the respondents 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 patient's ward case sheets and declare the revised result in accordance with the re-marks the petitioner get after the revaluation.

For Petitioner	: Mr.B.Chandran
For R-1	: Mr.J.Gunaseelanmuthiah Additional Government Pleader

ORDER

Mr.J.Gunaseelanmuthiah, learned Additional Government Pleader, who takes notice on behalf of the first respondent. Notice to the respondents 2 to 4 is dispensed with in view of nature of the order to be passed by this Court.

2.By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.



3.It is the grievance of the petitioner that though she had performed well in the Maruthuvam (Medicine) paper, the respondent had failed her by awarding 46% marks alone. Hence, she filed the present writ petition seeking for direction to the respondents to revalue the petitioner's answer sheet in paper-1 (Maruthuvam) Professional Examination held on 24.05.2018.

4.In my view, the decision to revalue the petitioner's Clinical Examination could be taken only by the respondent College and since the petitioner had not given any requisition for revaluation, it would be appropriate to grant liberty to make an application in this regard.

5.It is pertinent to point out that in an identical situation when a student had approached this Court seeking for revaluation of the answer sheet, this Court had passed an order dated 05.01.2016 in W.P(MD).No.8731 of 2015, directing the respondent College to revalue the petitioner's answer sheet and declare the revised result. The respondent College in the aforesaid petition in W.P(MD).no.8731 of 2015 and in the present writ petition is one and the same. As such, it would be appropriate to extend similar relief to the petitioner herein also.

6.In the light of the above observations, the petitioner is granted liberty to make an appropriate representation, seeking for revaluation of her answer sheet, in Clinical Examination i.e., Paper-1 (Maruthuvam) Professional Examination held on 24.05.2018, in the fourth respondent College. On receipt of such representation, the fourth respondent shall revalue the petitioner's answer sheet and declare revised results, within a period of two weeks from the date of receipt of a copy of this order. While revaluating, the fourth respondent shall also taking into consideration that the petitioner's case sheet submitted at the time of Clinical Examination and the patient ward case sheets into account.

7.With the above direction, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (T&P)

/True Copy/

Sub Assistant Registrar(CS-I)

To

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



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

+1CC to Mr.B.Chandran Advocate in SR.No.75364.

+1CC to Special Government Pleader in SR.No.75573.

RMK

DS/SKN/SAR-1 : 01.08.2018: 3P/5C

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27.07.2018