



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.04.2018

CORAM

WEB COPY

THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P. (MD) No.6298 of 2018

and

W.M.P. (MD) No.6147 of 2018

Monish Rajer

... Petitioner

-Vs-

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

2. The Controller of Examination,
Medical Council of Tamil Nadu,
Dr.M.G.R.Medical University,
No.69, Anna Salai, Guindy, Cheenai.

3. The Dean,
Sree Balaji Medical College and Hospital,
No.7, Works Road,
Chromepet, Chennai - 600 044.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India for issuing a Writ of Mandamus, to direct the third respondent to publish the petitioner's exam results for the M.B.B.S Final year Part-II Degree Examination, February 2018 and consequently direct the third respondent to permit the petitioner to continue his further course of studies namely Compulsory Rotary Residential Internship (CRRI).

For Petitioner : Mr.R.Anand

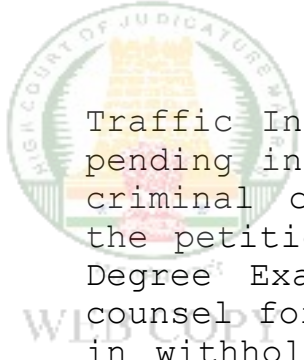
For R-1 and R-2 : Mr.C.Karthick

For R-3 : No appearance

ORDER

The Writ Petition has been filed to issue a Writ of Mandamus, to direct the third respondent to publish the petitioner's exam results for the M.B.B.S Final year Part-II Degree Examination, February 2018 and consequently to direct the third respondent to permit the petitioner to continue his further course of studies namely Compulsory Rotary Residential Internship (CRRI).

2.The case of the petitioner is that he was allegedly involved in a road accident, thereby a criminal case in Crime No.367 of 2011 came to be registered against him by the Inspector of Police,



Traffic Intelligence Wing, Tirunelveli City. The investigation is pending in the said Crime Number. In view of the pendency of the criminal complaint, the third respondent's College had withheld the petitioner's exam results for the final year M.B.B.S. Part-II Degree Examination, February - 2018. According to the learned counsel for the petitioner, the third respondent was not justified in withholding the results, quoting the pendency of the criminal complaint against him as a reason.

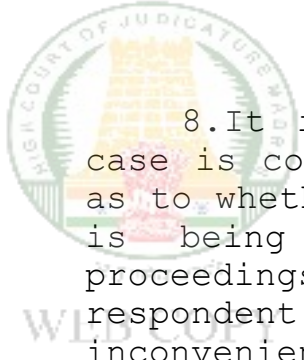
3. Though notice has been served on the third respondent and his name printed in the cause list, today, none appeared. The learned Standing Counsel appearing for the respondents 1 and 2 submits that they are not proper and necessary parties, since the third respondent's College is not affiliated.

4. I have given careful consideration to the submissions made by the learned counsel for the petitioner.

5. In connection with the same cause of action, it is seen that on an earlier occasion, the petitioner's mother had filed a Writ Petition in W.P.(MD)No.6987 of 2016 for the purpose of issuance of hall ticket to enable the petitioner to take up the exams. This Court by an order, dated 22.06.2016 had relied upon a legal opinion of the public prosecutor of the Principal Sessions Court, Tirunelveli, dated 15.04.2016 and observed that there was no impediment for the third respondent to issue the hall ticket.

6. It will not be out of the case to mention here that the petitioner has filed a petition in CrI.O.P.No.10511 of 2013 under Section 482 of Cr.P.C, seeking to quash the investigation in Crime No.367 of 2011, whereby, an order of interim stay has been granted and the main petition is pending before this Court. I am unable to apprehend as to how, the third respondent is justified in withholding the results of the petitioner, particularly, when the investigation in Crime No.367 of 2011 had been stayed by this Court. The effect of interim stay would nullify, the entire investigation as on the date of the third respondent's consideration to take a decision to withhold the petitioner's results. In other words, the third respondent cannot quote the pendency of criminal investigation pending against the petitioner as a reason for withholding the results, when this Court has granted an order of interim stay of the investigation.

7. There is no legal provision which empowers the third respondent to withhold the results by quoting the criminal investigation as a cause. It is rather unfortunate that the third respondent had, for the second time quoted the pendency of the criminal proceedings as a bar to withhold the hall ticket as well as the results. In the absence of any regulation or legal provision enabling the third respondent, withholding of the results is not only improper but also illegal.



8.It is needless to point out that insofar as the criminal case is concerned, the law would take its own course to determine as to whether the petitioner is guilty of the offence for which he is being investigated and the pendency of this criminal proceedings, by no stretch of imagination would empower the third respondent to quote the criminal proceedings and create inconvenience to the petitioner by withholding his results or any other academic benefits he might be entitled to. This Court only hopes that the third respondent does not henceforth quote the criminal proceedings as an embargo or direct the petitioner to obtain Court orders for any other academic benefits, the petitioner may be entitled to.

9.With the above observation, there shall be a direction to the third respondent to publish the petitioner's exam results for the M.B.B.S Degree Examination, February-2018 forthwith, in any event, within a period of two days from the date of receipt of a copy of this order. The third respondent shall also ensure that the petitioner continues his further course of studies including Compulsory Rotatory Residential Internship (CRRI) peacefully, without reference to the criminal proceedings pending against him.

10.This Writ Petition stands disposed of accordingly. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CO)

/True copy/

Sub Assistant Registrar

To

1. The Registrar.
Tamil Nadu Dr.M.G.R.Medical University, Chennai -600 032.
2. The Controller of Examination,
Medical Council of Tamil Nadu,
Dr.M.G.R.Medical University,
No.69, Anna Salai, Guindy, Cheenai.
3. The Dean,
Sree Balaji Medical College and Hospital,
No.7, Works Road, Chromepet, Chennai - 600 044.

- +1. CC to Mr.R.Anand, Advocate SR.No.59949
+1. CC to Mr.C.Karthik, Advocate SR.No.59900

W.P. (MD) No.6298 of 2018
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