

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.21043 of 2018

ORDER:

This writ petition is filed seeking following prayer:

“ ...to issue an Order or a Direction or a Writ more in the nature of Writ of Mandamus by declaring the action of the Respondents 2 to 4 herein in issuing the notification for the Super Speciality Examinations, August,2018 under Proceedings No.E2(b)/SS/10190/July,18, dated 19-05-2018 by omitting the conditions laid down at clause 13 (ii) (b) of the prospectus for admissions into Super Speciality Courses (DM and Mch.) for the Academic Year 2015-16 issued by the 3rd respondent herein as arbitrary, autocratic, illegal, ultravires and against to the principles of natural justice and consequently direct the Respondents 2 to 5 herein to issue application form to the petitioner herein to enable him to appear for the examination-Super Speciality Examinations, August, 2018 under 2nd Respondent University to be held on dt.25-08-2018 in the interests of justice and pass such other Order or Orders as this Hon'ble Court deems fit and proper under the circumstances of the case.”

Learned counsel for the petitioner submits that the petitioner has complied the condition under clause 13 (ii) (b) of the prospectus for admission into Super Speciality Courses for the academic year 2015-16. During the month of March, 2018 the petitioner submitted dissertation to the 6th respondent-Head of the Department, but the same was not communicated to the 5th respondent. As a result, the petitioner was not allowed to write examination schedule in August, 2018. The petitioner also made representations

on 25-05-2018 and 14-06-2018 regarding compliance of clause 13 (ii) (b) of Prospectus.

On the other hand, learned Standing Counsel for respondents 2 to 4 submits that the petitioner has opted for dissertation as per clause 13 (ii) (a) of Prospectus of 2015-16 and the said dissertation is under verification with the Head of the Department. The petitioner addressed to the 3rd respondent-Registrar on 14-06-2018. As such, the petitioner is estopped from choosing 13 (ii) (b) of the Prospectus for admission into Super Speciality Courses for the academic year 2015-16, Dr. NTR University of Health Sciences, Andhra Pradesh, Vijayawada and that option has to be exercised within first six months after admission into the course. The petitioner having exercised option for presentation of dissertation under clause 13 (ii) (a), now he cannot turn round and change his option to 13 (ii) (b) of the Prospectus and representations are made only on 25-05-2018 and 14-06-2018, but the written instructions produced by the learned Standing Counsel goes to show that the petitioner has also presented dissertation and it is under verification with the Head of the Department as per letter dated 14-06-2018. Learned Standing counsel says that the petitioner has submitted the dissertation in March, 2018, but it has to be submitted six months before the date of examination.

It is to be seen that Clause- 13 of the Prospectus reads as under:

13. PERIOD OF TRAINING:

13(i) The period of training shall be of 3 years duration in the department concerned. A candidate admitted into D.M/M.Ch Course shall pass the examination within 3 years from the date of completion of course. If he/she fails to pass the examination within the period specified above, he/she shall not be permitted to appear for the examination thereafter and qualify for the award of DM/M.Ch Degree.

13(ii) It is mandatory for the candidates admitted in Super Specialty courses to

(a) submit dissertation

OR

(b) publish two papers in peer reviewed journals as 1st Author.

Note: (a) or (b) to be selected within 1st six months after admission into the course. Log book is compulsory.

In this case, since the petitioner has to exercise option within six months from the date of seeking admission, in the written instructions, it is clearly stated that the petitioner has opted for dissertation under column 13 (ii) (a) as per prospectus of 2015-16 of Dr.NTR University of Health Sciences. Now he cannot turn round and say that he has opted for 13 (ii)(b) and even submission of dissertation was in the Month of March, 2018 and according to learned Standing Counsel the dissertation should be submitted before six months from the date of examination. Admittedly, the petitioner has submitted dissertation in the month of March, 2018. Since the

admissions are for the Super Speciality Courses in medicine, this Court cannot direct the respondents to violate the conditions mentioned in the prospectus for admissions.

In view of the same, I do not find any merit in the writ petition and the same is, accordingly, dismissed. However, this order will not preclude the respondent-authorities from considering the representations of the petitioner in accordance with Regulations. As a sequel to the disposal of this petition, miscellaneous petitions, if any, pending shall stand closed.

27-06-2018
Nvl

A.RAJASHEKER REDDY,J





