

* HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN
AND
HON'BLE Ms. JUSTICE J.UMA DEVI

+ Writ Appeal No.1490 of 2018

% Date: 13-11-2018

1. Dr. A.Sujith S/o Sudharshan, Aged 30 years,
Occ: Student, R/o 7-140/2, Habsiguda, Hyderabad

2. Dr. Ashok Parvathala S/o Radhaiah, Aged 30 years,
Occ: Student, R/o Aravapalem Village,
Annareddypalem Post, Sangham (M), SPSR Nellore Dist.

... Petitioners

Vs.

\$ 1. State of Andhra Pradesh, Rep. by its Prl. Secretary,
Medical & Health Dept., A.P. Secretariat,
Velagapudi, Amaravathi, Guntur District

2. Dr. NTR University of Health Sciences, Vijayawada,
Andhra Pradesh, Rep. by its Registrar

3. The Medical Council of India, Pocket-14, Sector-8,
Dwaraka, New Delhi, Rep. by its Secretary

4. Dr. B.Lakshman Srinivasa S/o Rama Rao, Aged 34 years,
Occ: Student, R/o 9-4-382, High School Road,
Gajuwaka, Visakhapatnam, Visakhapatnam Dist.

5. Kannekanti Murali Krishna S/o Somaiah,
Aged 45 years, R/o H.No.11-13-782/3/206,
Pushpanjali Apts., Road No.3, Green Hills Colony,
Saroornagar, Ranga Reddy District

(R.4 & R.5 are only proforma parties and no relief is
claimed against them)

... Respondents

! Counsel for Petitioners: Mr. G.Vidyasagar, Senior Counsel,
Representing Smt. K.Udaya Sri

Counsel for Respondent No.1: Govt. Pleader for Medical
Health & Family Welfare (Andhra Pradesh)

Counsel for Respondent No.2: Mr. Taddi Nageswara Rao,
Standing Counsel

Counsel for Respondent No.3: Mr. S.Vivek Chandra Sekhar,
Standing Counsel

Counsel for Respondents 4&5: ---

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> Head Note:

? Cases referred:
Nil.

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Judgment: (per V.Ramasubramanian, J.)

Aggrieved by the dismissal of their writ petition, two students of Post Graduate Medical Courses, have come up with the above writ appeal.

2. Heard Mr. G.Vidyasagar, learned Senior Counsel appearing for the appellants. Mr. Taddi Nageswara Rao, learned Standing Counsel, takes notice for the 2nd respondent/University. Mr. S.Vivek Chandra Sekhar, learned Standing Counsel, takes notice for the 3rd respondent/Medical Council of India.

3. The appellants herein completed their Under Graduate Medical Courses in the year 2014 and joined Post Graduate Medical Courses in the Academic Year 2014-15. The duration of the courses was three years and their courses ought to have come to an end by the Academic Year 2016-17.

4. In exercise of the powers conferred by Section 33 of the Indian Medical Council Act, 1956, the Central Government notified a set of Regulations. Regulation No.14 was substituted by an amendment introduced on 05-4-2018. As per the Amended Regulation, the students in Post Graduate Medical Courses should secure a minimum of 40% marks in each theory paper and not less than 50% marks cumulatively in all the papers put together.

Contending that even the University applied the Amended Regulations only to those students who joined the Post Graduate Medical Courses from the year 2015-16, the appellants filed a writ petition seeking a *mandamus* to direct the University and the Medical Council of India not to give effect to the Amended Regulations to students belonging to their batch. The learned Judge dismissed the writ petition forcing the students to come up with the above writ appeal.

5. The main contention of Mr. G.Vidyasagar, learned Senior Counsel appearing for the appellants, is that the University itself took a stand in their counter affidavit that the Amended Regulations would apply only students who joined the courses from the Academic Year 2015-16. Since the appellants joined the courses in the year 2014-15, the learned Senior Counsel contended that the Regulations cannot be applied in their cases.

6. But at the outset, we wish to point out that the role of the Court in such matters is extremely circumscribed. The prescription made by expert bodies and Universities with regard to the standards of education and the pass mark for qualifying in an examination, are beyond the pale of judicial review. The normal principles of an amendment not to have retrospective effect etc., cannot be applied in *stricto sensu*, in matters relating to standards of education.

7. As a matter of fact, the petitioners joined the courses in the Academic Year 2014-15. By the end of the Academic

Year 2016-17, they should have completed their courses. If they had completed the courses in time, they would have obtained the degrees much before the Amended Regulations were issued. Since they could not pass the examination within the period stipulated, they got caught with the Amended Regulations. Therefore, it is their fate which has to be blamed more than the Amended Regulations.

8. Reliance was placed both before the learned single Judge and before us upon a decision of the Punjab and Haryana High Court in **Raj Bahadur Singh v. MCI** in C.W.P. No.18429 of 2016, dated 15-3-2017. But as seen from the facts of the case, the petitioners had an opportunity to complete the course and secure the degree even before the introduction of the amendment. Having lost that opportunity, they cannot now think that the Amended Regulations were the impediment in their completing the courses. Therefore, the writ appeal fails and it is dismissed. Pending applications, if any, shall stand closed. No costs.

V.RAMASUBRAMANIAN, J.

J.UMA DEVI, J.

13th November, 2018.
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HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN
AND
HON'BLE Ms. JUSTICE J.UMA DEVI

Writ Appeal No.1490 of 2018
(per VRS, J.)



13th November, 2018.
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