

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.02.2019

CORAM

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

W.P.No.5103 of 2016
and
W.M.P.No.4440 & 4583 of 2016

N.A.Anil Kumar ... Petitioner

Versus

- 1.The Registrar,
The Tamil Nadu Dr.M.G.R. Medical University,
No.69, Anna Salai,
Guindy, Chennai - 600 032.
- 2.The Controller of Examination,
The Tamil Nadu Dr.M.G.R. Medical University,
No.69, Anna Salai,
Guindy, Chennai - 600 032.
- 3.The Principal,
Ayurveda College,
242-B, Sulur - 641 402
Coimbatore District.
- 4.Academic Officer,
The Tamil Nadu Dr.M.G.R. Medical University,
No.69, Anna Salai,
Guindy, Chennai - 600 032. ... Respondents

Writ petition filed under Article 226 of the Constitution of India praying for a writ of Certiorarified Mandamus calling for the records relating to the impugned proceeding issued by the fourth respondent, The Tamil Nadu Dr.M.G.R. Medical University in Memo No.ACII(2)/44878/2012 dated 20.01.2015, quash the same and further direct the first respondent University to permit the petitioner to do the 6 months Compulsory Rotatory Residential Internship (CRRI) Program for BAMS decree course without insisting the petitioner to re-write the final year examination and award BAMS degree Certificate after the petitioner completes the CRRI.

For Petitioner : Mr.K.M.Arun
For RR1, 2 & 4 : Mr.Harihara Arun Somasankar
Standing Counsel
For R3 : Ms.H.Mary Sowmi Raxy

O R D E R

The Writ petition has been filed challenging the impugned proceeding issued by the fourth respondent, the Tamil Nadu Dr.M.G.R. Medical University in Memo No.ACII(2)/44878/2012 dated 20.01.2015 and to direct the first respondent University to permit the petitioner to do the 6 months Compulsory Rotatory Residential Internship (CRR I) Program for BAMS decree course without insisting the petitioner to re-write the final year examination and award BAMS degree Certificate after the petitioner completes the CRR I.

2. The petitioner joined BAMS Course (Bachelor of Ayurvedic Medicine and Surgery) with the third respondent-College at Coimbatore in the academic year 1990-1991. He completed his final year BAMS Course in the academic year 1994-1995 and cleared all the examinations. For awarding the BAMS Certificate, it is compulsory for the students to undergo 6 months Compulsory Rotatory Residential Internship (CRR I) Training Program after completion of 4 ½ years of BAMS course. However, due to health issues, the petitioner could not able to complete the CRR I Internship Training. He approached the third respondent-College requested them to permit him to do his Internship program. The third respondent-College vide letter Ref.No.AVCC/016/06-2012 dated 27.06.2012 submitted an application to the University for condonation of delay in doing Internship program. The University vide proceedings in AC-II(1)/30988/2012 dated 23.08.2012 directed the petitioner to submit application for doing Internship program by paying a sum of Rs.7,000/- under Double Duration Scheme and the petitioner also had paid the said amount on 11.09.2012. The University vide proceedings in Ref.No.AC-II(1)/44878/2012 dated 13.12.2012 condoned the delay in doing Internship program on condition that the petitioner had to re-do final year of study and after passing the final year examination, he should come for Internship training program. The same was communicated to the petitioner and he also had repeated the final year of study in the year 2013-2014. However, when he was asked to sit for the examination, it was contended by the petitioner that he had already completed the final year theory papers during 1994-1995 and the regulation of Internship is only applicable for the candidates, who commenced their CRR I program and had a break in completing the same. Whereas, the petitioner had not yet commenced the CRR I program and hence, the said regulation will not be applicable to his case. Therefore, the

petitioner contended that he should not be compelled to sit for the fourth year examination for the second time.

3. The first respondent-University has filed a counter affidavit resisting the contentions raised by the petitioner. As per the University regulation, as the break in Internship program is more than 9 years, the candidate has to undergo the final period of study from the institution in which the candidate has last studied. Only after passing the final year examination of the University the candidate has to recommence the internship training program and complete the internship without any break. The petitioner had a break from the year 1995 and therefore it is mandatory for the petitioner to undergo one year Compulsory Rotatory Residential Internship (CRRI) program for BAMS degree course after completing the examination.

4. Having submitted to the regulations and repeated the final year, it will not lie in the mouth of the petitioner to say that he cannot sit for the examination and complete the same. The petitioner was instructed on 23.08.2012 that he is bound by the regulation and can commence the Internship training after undergoing the final period of study from the institution and successfully passing the final year examination. Therefore, the argument of the petitioner cannot be countenanced.

5. It appears now that the petitioner has not sat for the examination. The learned counsel for the petitioner requests that the petitioner may be permitted to sit for the forthcoming examination, as only after passing the final year examination, he can commence Internship Training program and complete the Internship without break. It is stated by the learned counsel appearing for the University that the petitioner had not applied for examination till today. It is open to the petitioner to apply for the forthcoming examination and if he applies for the same, the respondents are directed to consider the same favourably, subject to the other conditions to be complied with.

6. With the above directions, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

rsi

To

1.The Registrar,
The Tamil Nadu Dr.M.G.R. Medical University,
No.69, Anna Salai,
Guindy, Chennai - 600 032.

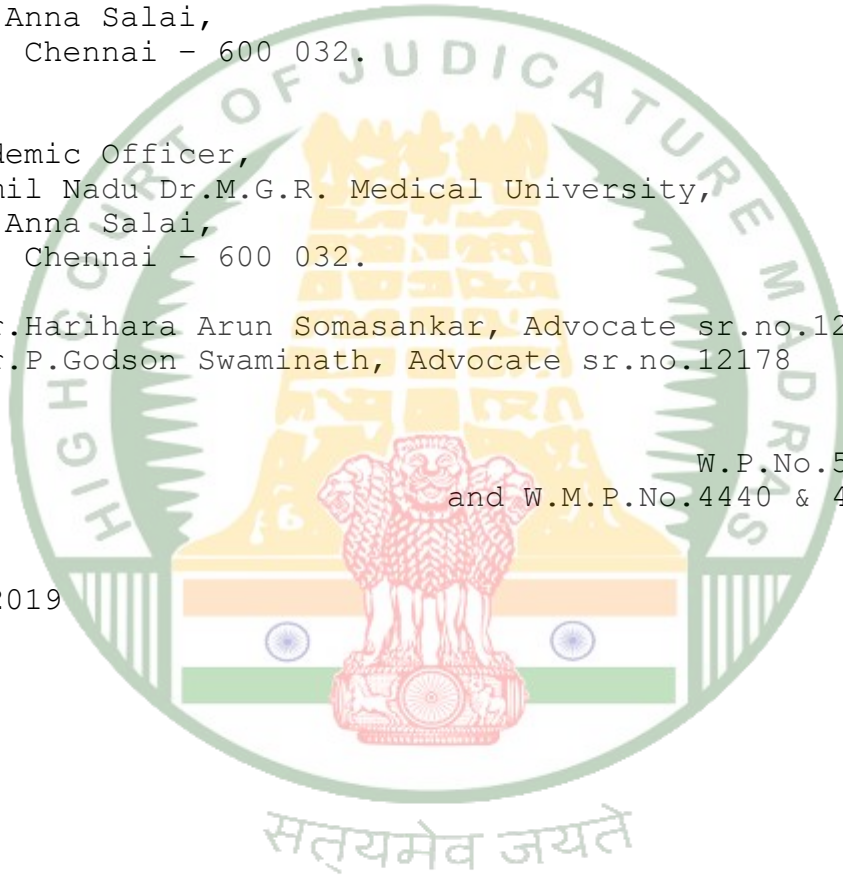
2.The Controller of Examination,
The Tamil Nadu Dr.M.G.R. Medical University,
No.69, Anna Salai,
Guindy, Chennai - 600 032.

3.The Academic Officer,
The Tamil Nadu Dr.M.G.R. Medical University,
No.69, Anna Salai,
Guindy, Chennai - 600 032.

+1cc to Mr.Harihara Arun Somasankar, Advocate sr.no.12354
+1cc to Mr.P.Godson Swaminath, Advocate sr.no.12178

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and W.M.P.No.4440 & 4583 of 2016

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