

In the High Court of Judicature at Madras

Dated : 23.4.2019

Coram

The Honourable Mr.Justice T.S.SIVAGNANAM
and

The Honourable Mrs.Justice V.BHAVANI SUBBAROYAN
Writ Appeal No.2712 of 2018 & CMP.No.22315 of 2018

V.Indra

...Appellant/Petitioner

Vs

1.The Tamil Nadu Dr.MGR Medical
University, rep.by its Registrar,
Guindy, Chennai-32.

2.The Principal, Sree Mookambigai
Dental College, Kulasekaram,
Kanyakumari District.

...Respondents/Respondents

APPEAL under Section 15 of the Letters Patent against the
order dated 05.9.2018 in WP.No.47191 of 2006.

Prayer in W.P.No.47191 of 2006:

Petition filed under Article 226 of the Constitution of India,
praying to issue a Writ of Mandamus directing the respondents to
revalue the answer script of the petitioner in respect of the
paper " General Surgery" bearing subject code No.4143-III year
B.D.S for the examination held in February 2005 bearing
Registration No.54013018.

For Appellant : Mr.K.Balakrishnan

For Respondent-1 : Mr.D.Ravichander

Judgment was delivered by T.S.SIVAGNANAM, J

We have heard Mr.K.Balakrishnan, learned counsel for the
appellant and Mr.D.Ravichander, learned Standing Counsel
appearing on behalf of the first respondent University.

2. This appeal has been filed challenging the order dated
05.9.2018 passed by the learned Single Judge in W.P.No.47191 of
2006.

3. The said writ petition was filed by the appellant herein in the year 2006 seeking for the issuance of a Writ of Mandamus to direct the first respondent to revalue the answer script of the appellant in respect of the paper 'General Surgery' bearing subject code No.4143-III year B.D.S., for the examination held in February 2005. The said writ petition was pending and ultimately on 05.9.2018, it was dismissed by the impugned order. The reasons assigned by the learned Single Judge are perfectly correct, as there is no provision under the Regulations for re-evaluation. That apart, another hurdle, which prevents the appellant from seeking any relief in the present proceedings, is on account of the fact that the appellant did not complete the BDS course within the time permitted under the Regulations.

4. It is submitted by the learned Standing Counsel for the first respondent that the appellant was required to complete the course within five years and if she is unable to do so, the maximum time limit fixed is another seven years, which came to an end in the year 2013 and that on account of the break of study, the appellant cannot pursue the course in the first respondent University.

5. For the above reasons, we are of the considered view that the appellant has not made out any case to interfere with the order passed by the learned Single Judge. The result would be to dismiss the above appeal.

6. Mr.K.Balakrishnan, learned counsel for the appellant submits that the first respondent University intimated the appellant vide letter dated 09.1.2019 stating that the appellant should get a condonation order from the University for the break of study from August 2008 onwards and that the request for condoning the break period has to be forwarded by the Head of the institution of the college, in which, the appellant was admitted to pursue the course. The appellant was further informed that on receipt of the condonation order, the Examination Wing would take further action in this regard.

7. The learned counsel for the appellant submits that the appellant should be permitted to approach the University seeking for condonation order.

8. In our considered view, we are not inclined to grant any liberty in the present proceedings and if we grant any such liberty, it will be beyond the relief sought for in the main writ petition.

9. For the above reasons, the writ appeal is dismissed leaving it open to the appellant to pursue her remedies before the first respondent University for obtaining condonation order. No costs. Consequently, the connected CMP is also dismissed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

The Registrar,
Tamil Nadu Dr.MGR Medical University,
Guindy, Chennai-32.

+1cc to Mr.D.Ravichander, Advocate sr.39165
+2cc to Mr.S.Veerassamy, Advocate Sr.38733

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srg 24/05/2019

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