

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.01.2019

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.30141 of 2018 and
W.M.P. No.35169 of 2018

1.K.Vishnu
2.Elakiya Bala
3.Anusuya
4.Poojalakshmi
5.Shatavisha

.. Petitioners

-vs-

1.The Medical Council of India,
rep. by its Secretary,
Pocket-14, Sector 8, Dwarka,
New Delhi-110 077.

2.The Dean,
The Tamil Nadu Dr. MGR Medical University,
Chennai.

(R2 deleted vide Court order dated
07.01.2019 made in W.P. No.30141 of 2018 by TRJ)

3.The Registrar,
Sri Lakshmi Narayana Institute of Medical Science,
Puducherry.

4.The Controller of Examination,
The Bharat University,
East Tambaram, Chennai. सत्यमेव जयते

.. Respondents

Petition is filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus directing the 3rd and 4th respondents to conduct the supplementary examination for the 1st year MBBS students based on the 1st respondent's regulation on due consideration of the petitioner's representation dated 01.10.2018 and reminder representation dated 26.10.2018.

For Petitioners

::Mr.P.Mohan Raj for
Mr.D.Senthilkumar

For Respondents

::Mr.V.P.Raman
Standing Counsel
for R1

R2 Deleted Vide Order
Dt.07/01/2019

Mr.S.Reveekumar
Standing Counsel
for R3 and R4

ORDER

This writ petition has been filed by the petitioners/five students of first year M.B.B.S. Course, studying in the Sri Lakshmi Narayana Institute of Medical Science, Puducherry, the third respondent herein, seeking a writ of mandamus directing the respondents 3 and 4 to conduct the supplementary examination based on the 1st respondent's regulation on due consideration of their representation dated 01.10.2018 and reminder dated 26.10.2018.

2.Learned counsel appearing for the petitioners would submit that when the Medical Council of India, the first respondent herein has made a regulation for supplementary examination to be conducted immediately after publication of the exam results for the students failed in any subject in the first year, after the examinations were held between 01.08.2018 to 10.08.2018 and the results were declared on 25.09.2018, the third respondent has not come forward to hold the supplementary examination within six months time. Since all the petitioners were all first year students and no supplementary examinations are announced, they given a representation to the respondents 3 and 4 to conduct supplementary examinations for them, but no fruitful result has been forthcoming. Therefore, they are advised to come to this court. Concluding his argument, learned counsel appearing for the petitioners submitted that after the third respondent, in which, the petitioners are pursuing their M.B.B.S course, holds the supplementary examination, following the regulation issued by the Medical Council of India the first respondent herein, the petitioners will join the main batch after successfully writing the examination. Since the third respondent has failed to follow the MCI regulations, a direction be issued to the respondents 3 and 4 to conduct the supplementary examination for the first year M.B.B.S. students.

3.Reiterating the averments made in the counter affidavit filed on behalf of the third respondent, learned counsel appearing for respondents 3 and 4 would urge this Court to dismiss the writ petition stating that there is no lapse committed by the third respondent. He would further submit that the first year M.B.B.S. examination was held between 01.08.2018 and 10.08.2018 in the third respondent college and the clinical examinations were held between 13.08.2018 and 21.08.2018 and thereafter, the results were also declared on 25.09.2018. He would also submit that when they have announced the date of

regular examinations namely from 04.02.2019, there is no requirement for the supplementary examinations. As the particular provision namely 7(7) of the MCI regulations have been properly followed, there is no need for holding supplementary examination. It is also submitted that as per the MCI regulations, the supplementary examination for the students of M.B.B.S. Course may be conducted within a period of six months so that the students, who passed will have to join the main batch and the failed students will have to appear in the subsequent year provided, that the students, who passed the supplementary examinations, will be allowed to appear in the second year examination, only after completing the full course of study of three semesters namely 18 months, irrespective of the examination of main batch.

4.This Court, being satisfied with the time schedule of six months for holding the examinations, hereby grants a week's time to the petitioners to pay the examination fees to write the regular examination to be held on 04.02.2019.

5.Learned counsel for the respondents 3 and 4 would submit that if the petitioners come and make their examination fee, even tomorrow, without even copy of this order, the same will be accepted and they will be permitted to write the examination on 04.02.2019.

6.Recording the submission made by the learned counsel appearing for respondents 3 and 4, this writ petition is disposed of. Consequently, connected W.M.P. is closed. No costs.

Vga

Sd/-

Assistant Registrar(CS CO)

//True copy//

सत्यमेव जयते
Sub Assistant Registrar

To

1. The Secretary,
The Medical Council of India,
Pocket-14, Sector 8, Dwarka,
New Delhi-110 077.
- 2.The Registrar,
Sri Lakshmi Narayana Institute of Medical Science,
Puducherry.
- 3.The Controller of Examination,
The Bharat University,
East Tambaram, Chennai.

+ 1 CC TO MR.V.P.RAMAN, ADVOCATE SR 3190

+ 1 CC TO MR.S. RAVEE KUMAR, ADVOCATE SR 2898

+ 2 CCS TO MR. D.SENTHIL KUMAAR, ADVOCATE SR 2693

KR/18/1/19

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