WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.05.2019

CORAM :

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P.(MD)No.11703 of 2019
and
W.M.P.(MD)No.8883 of 2019

K.P.Binushiya ...Petitioner

/vs./

1.The District Collector,
Kanyakumari District, at Nagercoil.

2.The Dean of Students,
The Tamil Nadu Dr.M.G.R.Medical University,
No.69, Anna Salai, Guindy, Chennai - 600032.

3.The Principal,
Maria Ayurveda Medical College and Hospital,
Kulathadivilai, Moovatumugham Post,
Attoor, Thiruvattar, Kanyakumari District.

4.The Principal,
Ayurveda College, No.242-B, Trichy Road,
RVS Campus, Sulur,
Coimbatore - 641402. ...Respondents

**PRAYER:** Petition - filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 2nd respondent to conduct the 2nd year Viva-voce and Practical Examinations scheduled to be held from 15.05.2019 or on any other date, along with theory examinations of BAMS course for the subjects namely Rasa Sastra & Bhaisajya Kalpana, Paper I and II, for the petitioner alone in the 2nd respondent University or in any other college affiliated with the 2nd respondent and forthwith allow the petitioner to continue her third year course of BAMS at 4th respondent college or any other college affiliated with the 2nd respondent within the time frame by this Court.

For Petitioner : Mr.S.Balamurugan

For R-1 : Mr.M.Jeyakumar
Additional Government Pleader

For R-2 : Mr.C.Karthick

https://hcservices.ecourts.gov.in/hcservices/

**ORDER**

This writ petition has been filed to direct the 2nd respondent to conduct the 2nd year Viva-voce and Practical Examinations scheduled to be held from 15.05.2019 or on any other date, along with theory examinations of BAMS course for the subjects namely Rasa Sastra & Bhaisajya Kalpana, Paper I and II, for the petitioner alone in the 2nd respondent University or in any other college affiliated with the 2nd respondent and forthwith allow the petitioner to continue her third year course of BAMS at 4th respondent college or any other college affiliated with the 2nd respondent.

2. When the matter is taken up for hearing, the learned counsel appearing for the second respondent would state that in respect of the practical examinations, the petitioner will be permitted to attend the practical examinations in the Government College, Kottar, and the theory examination will be conducted only in the third respondent College. She shall pay the fee to the third respondent. As per the Rules and Regulations, the petitioner cannot be transferred in the middle of the academic year. Only on completion of the second year, the petitioner shall apply for transfer by filing application and the same shall be considered by the University. On payment of the examination fee with fine, if any, the petitioner will be permitted to appear for the examinations.

3. In view of the submission made above, this Court directs the second respondent to permit the petitioner to attend the practical examinations in the Government College, Kottar, and the theory examination in the third respondent College. Further, the petitioner shall pay the necessary fees to the third respondent along with fine, if any, forthwith. It is made clear that the third respondent shall receive the fees along with fine and on payment, the petitioner will be permitted to appear for the examinations.

4. As far as the transfer is concerned, since the transfer cannot be effected in the middle of the academic year, the petitioner shall apply for transfer by filing an application on completion of the second year and the same shall be considered by the concerned University in accordance with law. Further, the petitioner undertakes to seek admission only in the fourth respondent College and not in the Government College.

5. With the above directions and observations, this writ petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Vacation Officer

/TRUE COPY/

https://hcservices.ecourts.gov.in/hcservices/

Sub Assistant Registrar(CS )

WEB COPY

To

The District Collector,
Kanyakumari District,
at Nagercoil.

+1 CC to M/s.S.BALAMURUGAN, Advocate ( SR-65932[F] dated 16/05/2019 )

+1 CC to M/s.C.KARTHIK, Advocate ( SR-65946[F] dated 16/05/2019 )

+1 CC to M/s.SPL GP ( SR-66000[F] dated 16/05/2019 )

**W.P.(MD)No.11703 of 2019**

CS: 16/05/2019/3P/5C

https://hcservices.ecourts.gov.in/hcservices/