

THE HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN

AND

THE HON'BLE DR. JUSTICE SHAMEEM AKTHER

WRIT PETITION No.1992 of 2019

ORDER: *(per V. Ramasubramanian, J)*

Challenging the action of the University in conducting a supplementary examination for the students of the 2017 batch on 03.10.2018 without sufficient interval of time, the students of the 1st year M.B.B.S.Course have come up with the above Writ Petition.

2. Heard Mr.Kowturu Pavan Kumar, learned Counsel for the petitioners and Mr.A.Prabhakar Rao, learned Counsel for the University.

3. It appears that the University Regulations originally provided for a gap of about six months from the date of the main examination and the date of supplementary examinations. But the Medical Council of India amended the Regulations in the year 2010. Clause 7(7) of the amended Regulations of the Medical Council of India reads as follows:-

“7(7). The supplementary examination for the 1st Professional MBBS examination may be conducted within 6 months so that the students who pass can joint the main batch and the failed students will have to appear in the subsequent year provided that the students who pass the supplementary examination shall be allowed to appear in the second professional MBBS examination only after he/she completes the full course of study of the three semesters (i.e., 18 months)

for the second professional MBBS examination irrespective of the examination of the main batch.”

4. The contention of the petitioners is that a mere gap of 35 days, disabled the petitioners from preparing well for the examinations and that the failure of the University to provide sufficiently longer duration of time, has resulted in the students being deprived of a valuable opportunity.

5. We have carefully considered the above submissions.

6. All that the Medical Council of India Regulations stipulate is a maximum period within which the supplementary examination are to be conducted. The Regulations do not speak about any minimum time gap. Once the Medical Council of India Regulations stipulate only the maximum time, within which supplementary examinations are to be conducted, the discretion is left to the University to fix the examination schedule.

7. It is needless to point out that the scope of interference under Article 226 of the Constitution of India in a matter relating to examination schedule, is almost *nil*. It is a matter for the University and Expert Bodies to decide the examination schedule. It appears that the shorter duration was provided to enable the students to pass on to the next academic year. As a matter of fact, the statistics show that about 90% of the students who took the supplementary examination have done well. According to Mr.A.Prabhakar Rao, learned Counsel for the University, a total of 1271 candidates wrote the supplementary examination, out of whom 1022 candidates passed. When a majority of the students have had no grievance about the shorter duration of time, we do

not know how this Court can be called upon to interfere with the examination schedule. Therefore, the Writ Petition is devoid of merits. Hence, it is dismissed.

Consequently, miscellaneous petitions if any pending in the writ petition shall stand dismissed. No order as to costs.

JUSTICE V. RAMASUBRAMANIAN

DR. JUSTICE SHAMEEM AKTHER

February 20, 2019
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