

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :28.10.2020

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.7651 of 2019

Dr.E.S.Amarnath

.... Petitioner

Vs.

1. 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, Annasalai, Guindy,
Chennai 600 032.

...Respondents

Prayer:- Writ petitions filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondent university to declare the petitioner having Registration No.201525002 as "Pass" in the Post Graduate Course in MD-Community Medicine in the University examination conducted in October 2018 by taking into consideration the marks obtained in the first evaluation itself within a time limit to be fixed by this Court.

For Petitioner : Mr.S.Thankasivan
For Respondents : M/s.Ramalingam Associates
for R1 and R2

सत्यमेव जयते
ORDER

This writ petition was filed for the issue of writ of Mandamus directing the respondent university to declare the petitioner as "pass" in the Post-Graduation course in MD Community Medicine in the University examination that was conducted during October 2018.

2. It was brought to the notice of this Court that the petitioner again wrote the examination in the very same subject during May 2019 and he again failed in the examination. The learned counsel for the petitioner submitted that the petitioner did not withdraw this writ petition and it was only during the pendency of the writ petition, the petitioner has written the

examination and therefore, the right of the petitioner to prosecute this writ petition on merits cannot be taken away just because the petitioner wrote the examination during May 2019.

3. In the considered view of this Court, the fact that the petitioner undertook to write the examination in the very same subject during May 2019, clearly amounts to the petitioner giving up the claim made in the present writ petition. If the petitioner was confident enough with the stand taken in the writ petition, the petitioner ought not to have undertaken the exercise of writing the examination once again and should have waited for the disposal of the writ petition. In view of the fact that the petitioner wrote the examination during May 2019, nothing survives to be decided in this writ petition and accordingly, this writ petition is closed. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

rka

To

1. 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, Annasalai, Guindy,
Chennai 600 032.

+2ccs to Mr.Ramalingam & Associates, sr no.34980

LN(CO)
RMP(02/12/2020)

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