

03.02.2021

Sl. No.UL 1 IN THE HIGH COURT AT CALCUTTA

Court No.9 THE CIRCUIT BENCH AT PORT BLAIR

BM.

(Via Video Conference)

WPA 153 of 2021

**Shri Manish Kumar Ranjan
Versus
National Medical Commission & Ors.**

Mr. Gopala Binnu Kumar
Mr. R. Guha Thakurta ... for the petitioner

Ms. Anjali Pallen
 ... for the National Medical Commission

Mr. Arun Prasanta ... for the respondents

This matter appears in the e mentioning list at
sl. No.1.

Learned counsel for both the parties have
appeared and submit for hearing out the writ
application and to dispose of the matter. Accordingly
by consent of counsel of both the parties and
considering extreme urgency in the matter the writ
application is taken up for hearing as on the days list.

The writ petitioner has sought for issuance of
writ in the nature of mandamus directing the
respondent no.2 to conduct the 2nd Supplementary
examination of Third MBBS Part-II Examination in the
month of January/February 2021 by taking into
consideration the advisory dated 13.11.2020 issued by
the respondent no.1 and further directing the
respondent no.2 to act in terms of the

regulations/rules/executives fait issued by the respondent no.1 being the governing body.

I have heard Mr. Gopala Binnu Kumar, learned counsel for the writ petitioner and Mr. Arun Prasanta, learned counsel for the respondents, my attention is invited to the averment made in the paragraphs 14 and 15 of the writ application to contend that on 13.11.2020 the National Medical Commission, the respondent no.1 issued an advisory wherein advised all the University that all pending professional supplementary examination of MBBS course be conducted as early as possible so that the students can progress to the next phase of their training which advisory is depicted from the annexure "P-6".

It is also submitted that parents of the petitioner on 10.12.2020 had made representation through email to the respondent no.2 wherein brought the fact before the respondent no.2 that Dr. MGR Medical University and Pondicherry University comes within Tamil Nadu Medical Council and Dr. MGR Medical Universities conducted the Supplementary examination of Third MBBS Part-II Examination in August 2020 and taking 2nd Supplementary examination from 7th December, 2020 and the Pondicherry University has not yet notified dates for conducting of final year MBBS examination or 2nd Supplementary examination, accordingly, request was made to inform the time table

within a week for conducting 2nd Supplementary examination of Third MBBS Part-II Examination as soon as possible or will take appropriate legal recourse.

Such representation through email has been annexed to the writ application vide annexure "P-7". It is made to understand that the said representation on behalf of the writ petitioner has not been addressed by the respondent authority. It is submitted that due to delay in undertaking the said examination of 2nd Supplementary examination of Third MBBS Part-II Examination by the respondent no.2, immense hardship was caused to the petitioner as the petitioner will not be able to apply for the Post Graduation for the year 2022 since the application was to be made by 31st March of every successive year, the petitioner will also be unable to appear in the Competitive examination of UPSC Combined Medical Service and Pre-examination of UPSC Civil Service Examination, due to the delay in conducting 2nd Supplementary examination as the last date to apply, the said examination would be February of every successive year and for applying the same the petitioner requires one year of internship, therefore, the petitioner will be compelled to lose one year.

In the context of the facts above and representation so made on behalf of the petitioner, now upon hearing learned counsel for the parties, this writ

application is disposed with the direction upon the respondent no.2 authority to consider the representation made on behalf of the petitioner in the light of the advisory of the National Medical Commission, Medical Assessment and Rating Board being No.NMC-34(41)(Gen)/2020/Med dated 13.11.2020 which advisory is in continuation of the advisory being No.MCI-34(41)(Gen)-Med/2020/113080 dated 04.08.2020 issued by the BOG/MCI wherein results in the provision of Appointment of External Examiners, schedule and conduct of Examination in Regulations on Graduate Medical Education, 1997 (GMER) in view of Covid-19 pandemic were permitted and it was further advised by the National Medical Commission that all pending professional supplementary examination of MBBS course be conducted as early as possible so that students can progress to the next phase of their training within a period of two weeks.

With the above directions writ petition being WPA 153 of 2021 is disposed of.

(Shivakant Prasad, J.)