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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.12.2021

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.11377 of 2021

and

W.M.P.No.26270 of 2021

T.Vishnupratheepa

...Petitioner

Vs.

1. The State of Tamilnadu,
Rep by its Secretary,
Health and Family Welfare Department,
Fort St. George, Chennai-600 009.
2. The Director of Medical Education,
162, EVR Periyar Salai,
Kilpauk, Chennai-600 010.
3. The Registrar,
The TN Dr.MGR Medical University,
No.69, Anna Salai, Guidy,
Chennai-600 032.
4. The Dean,
Vivekanandha Dental College for Women,
Thiruchengode,
Namakkal District-637 205.

...Respondents

W.P.No.11377 of 2021 filed under Article 226 of the Constitution of India, to issue a writ or any other appropriate order of Directions in the nature of a WRIT OF MANDAMUS directing the respondents to continue to permit the petitioner to pursue her 3rd year BDS course in the 4th respondent Vivekanandha Dental College for Women, Thiruchengode, in the academic session 2020-2021 by considering her representation dated 19.04.2021.

WMP filed under Article 226 of the Constitution of India to issue suitable AD Interim Orders directing the 3rd and 4th respondents to permit the petitioner to take the 3rd year BDS examination scheduled in December 2021 or any other future date, for the academic session 2020-2021, pending disposal of the Writ Petition.



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For Petitioner : Mr.P.Godson Swaminath
for Mr.R.M.Suresh

For Respondent R3 : Mr.D.Ravichandran
Special Government Pleader

O R D E R

The petitioner has filed this petition seeking issuance of suitable AD Interim Orders directing the 3rd and 4th respondents to permit the petitioner to take the 3rd year BDS examination scheduled in December 2021 for the academic session 2020-2021, pending disposal of the Writ Petition.

2.The case of the petitioner is that she is pursuing her 3rd year BDS course in 4th respondent's college. As per the system which is in vogue, the 3rd respondent university stated that the students studying BDS course must complete four out of five papers of the 2nd year and without completing the same, the students cannot be moved to 3rd year. The petitioner has cleared 3 out of 5 papers of the 2nd year and due to pandemic situation, no supplementary examination was conducted, the petitioner was unable to clear the remaining papers and the petitioner was not allowed to attend the 3rd year classes. Hence, the petitioner filed the writ petition in W.P.No.11377 of 2021 and when it came up for hearing, this Court has passed an interim order and directed the respondents to allow the petitioner to attend the 3rd year classes through on-line/off-line until further orders. While being so, the petitioner was not allowed to appear for the 3rd year BDS course examinations to be held on December (i.e.,06.12.2021). Hence, this Writ petition.

3.The learned counsel for the petitioner submitted that during the pendency of this Writ petition, the exam was conducted by the 3rd respondent and the petitioner has cleared the balance two papers pertaining to the 2nd year BDS course and the petitioner has no arrears in her course. Hence, he submitted that, it would suffice, if this Court issues direction to the 3rd and 4th respondents to permit the petitioner to write the 3rd year examination of BDS course.

4.The learned counsel appearing for the respondent has no serious objection for the prayer sought for by the petitioner and he further submitted that the petitioner's representation will be considered and appropriate orders will be passed within the time stipulated by this Court.

5. Heard the arguments advanced on either side.



6. Though relief of permitting the petitioner to write the 3rd year BDS examination is sought for in the miscellaneous petition, however, in view of the fact that the petitioner was permitted to continue her 3rd year course and now the miscellaneous petition is filed for appearing in the examination, this Court is of the considered view that keeping the writ petition on file would serve no useful purpose.

7. In such view of the matter, recording the submissions made and also the stand of the Learned counsel for respondent that representation of the petitioner would be considered in accordance with law, since the petitioner claims that she has cleared all the arrears papers and has no arrears in her 2nd year and the present petition is only to allow her to write the 3rd year BDS course examinations that is to be held on Monday (i.e., 06.12.2021), this Court without going into the merits of the issue, directs the 3rd and 4th respondents to consider the petitioner's request for participation in the 3rd year examination, in the light of the interim order passed by this Court, vide order dated 05.05.2021 keeping in the mind the fact that she has pursued her third year classes as per the direction of this Court and take decision on or before 04.12.2021.

8. Mr.D.Ravichandran, learned Special Government Pleader is directed to communicate the order of this Court to the third respondent forthwith. Accordingly, the Writ petition in W.P.No.11377 of 2021 and Miscellaneous petition in W.M.P.No.26270 of 2021 are disposed of with the above direction. No costs. Consequently, connected Miscellaneous petition in W.M.P.Nos.16183 of 2021 and 12036 of 2021 are closed.

Sd/-
Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

skt

To

1. The State of Tamilnadu,
Rep by its Secretary,
Health and Family Welfare Department,
Fort St. George, Chennai-600 009.
2. The Director of Medical Education,
162, EVR Periyar Salai,
Kilpauk, Chennai-600 010.



3. The Registrar,
The TN Dr.MGR Medical University,
No.69, Anna Salai, Guidny,
Chennai-600 032.

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4. The Dean,
Vivekanandha Dental College for Women,
Thiruchengode, Namakkal District-637 205.

Copy To

Mr.D.Ravichandran,
Spl Government Pleader,
High Court,
Madras - 600 104.

+1cc to Mr.R.M.Suresh, Advocate, S.R.No.63347

W.P.No.11377 of 2021
and
W.M.P.No.26270 of 2021

EV(CO)
RGA(03/12/2021)