

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 24.06.2021

Coram

The Honourable Mr.Justice D.KRISHNAKUMAR

W.P.No.13208 of 2021
and W.M.P.No.14010 of 2021

Dr.F.Biravinth Solomon

...Petitioner

Versus

1.The Vice Chancellor,
The Tamil Nadu Dr.M.G.R.Medical University,
69, Anna Salai Road, Guindy, Chennai - 600 032.

2.The Chairman,
National Medical Council,
Pocket-14, Sector-8, Dwarka Phase - 1,
New Delhi - 110077.

3.The Principal,
Christian Medical College,
Ida Scudder Road,
Vellore - 632 004.

....Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the first respondent University to act upon and pass appropriate orders on the petitioner's representation dated 24.05.2021 which seeks to permit the petitioner to attend the final year M.Ch degree examination which will be conducted by the 1st respondent University in the month of August 2021 for completing the super speciality course M.Ch in Cardio Thoracic Surgery for which the petitioner was admitted into the 3rd respondent college during the academic year 2018.

For Petitioner : Mr.D.Dinesh

For Respondent - 1 : Mr.D.Ravichander

O R D E R

(The case has been heard through video conference)

The relief sought for in the present writ petition is to direct the first respondent University to act upon and pass appropriate orders on the petitioner's representation dated 24.05.2021 which seeks to permit him to attend the final year M.Ch degree examination which will be conducted by the first respondent University in the month of August 2021 for completing the Super Speciality Course M.Ch in Cardio Thoracic Surgery for which he was admitted into the 3rd respondent college during the Academic Year 2018.

2. The case of the petitioner is that he completed his MBBS degree at Madras Medical College in the year 2015 and thereafter, he completed his Post Graduation in M.S. General Surgeon at Madurai Medical College. After passing out the NEET examination with distinction, the petitioner has joined in the third respondent College for Super Speciality Course M.Ch in Cardio Vascular and Thoracic Surgery, in the year 2018. The third respondent College has designated the petitioner as a Senior Resident with monthly stipends for his entire course of study.

2.1. While so, on 16.06.2020, the petitioner was suspended from the third respondent College and thereafter, on 19.06.2020, he was issued with a Charge Memo by the third respondent College. Challenging the said Charge Memo, the petitioner has filed a writ petition in W.P.No.14596 of 2020 before this Court and the same was dismissed by this Court vide order dated 09.10.2020. As against the dismissal of the aforesaid writ petition, the petitioner has preferred a Special Leave Petition in SLP(C) No.1797 of 2021 before the Honourable Supreme Court and the same is pending.

2.2. The petitioner gave written representations to the respondents 1 & 3 for taking steps to revoke his order of suspension and permit him to continue with the course, however, there was no response for the same from the side of the respondents 1 & 3. The petitioner's course of study in the third respondent College, is for three years from August 2018 to August 2021 but he has been under suspension since 16.06.2020. In order to complete his course, he has to write the final year M.Ch degree examination which will be conducted by the first respondent University in the month of August 2021. Therefore, on 24.05.2021, the petitioner gave a detailed representation to the the third respondent College as well as the first respondent

University in this regard. The third respondent College has sent a Communication dated 09.06.2021 to the petitioner, in and by which, they informed him that as per the Regulations for the Super Speciality Courses framed by the Tamil Nadu Dr.MGR Medical University, all super speciality candidates has to secure 80% attendance during the period of training for each academic year, but he does not hold any attendance for the Academic Year 2020-2021 and therefore, he is not eligible to write the examination conducted by the first respondent University in August 2021. Hence, left with no other alternative, the petitioner has filed the present writ petition for the relief stated supra.

3. The learned counsel for the petitioner would submit that though the petitioner gave several representations to the respondents 1 & 3, requesting them to take steps to revoke his order of suspension and permit him to continue with the course, however, the same were not considered by them. He would further submit that the petitioner has been under suspension since 16.06.2020 but the further proceedings were belatedly commenced by the third respondent only on 18.02.2021. He therefore prays this Court to issue appropriate direction to the respondents to consider the petitioner's representation and to allow the petitioner to write his final year examination which will be conducted in August 2021.

4. Mr.D.Ravichander, learned counsel takes notice for the first respondent. He would submit that though there is a Regulation that a super speciality candidate who has secured 80% attendance during the period of training for each academic year, is only eligible to write the examination conducted by the first respondent University in August 2021, however, the petitioner's representation would be duly considered by the first respondent and appropriate orders would be passed therein, within a time frame, as stipulated by this Court.

5. Considering the facts and circumstances of the case, this Court directs the first respondent to consider the petitioner's representation dated 24.05.2021 and pass appropriate orders on merits and in accordance with law, as expeditiously as possible, within a period of 10 days from the date of receipt of a copy of this order.

6. This writ petition is disposed of with the above direction. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

mrr
To

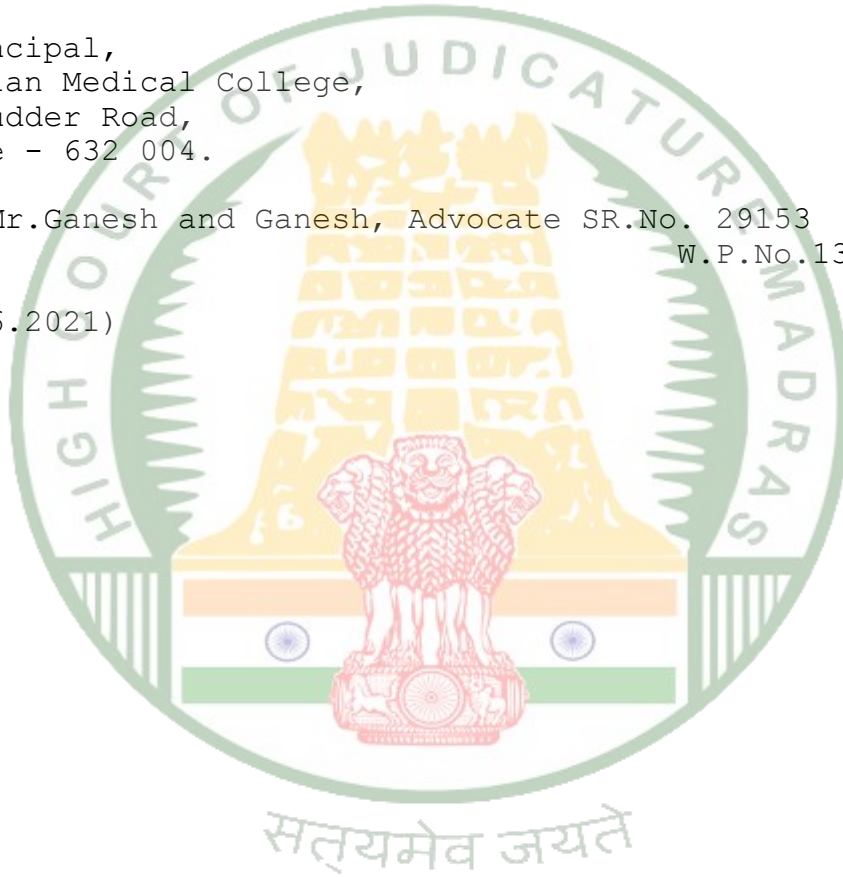
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+2ccs to Mr.Ganesh and Ganesh, Advocate SR.No. 29153
W.P.No.13208 of 2021

VBM
A.SK(28.06.2021)



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