



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:25.11.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.NO.22698 of 2021

and

W.M.P.No.23926 of 2021

1. S.A. Dheeraj,
2. T. Abhinaya,
3. T.S. Janani
4. S.Poojitha,
5. R. Pradeep Kumar,
6. A. Mohammed Harris,
7. S.NitishKumar,
8. L.Dilak

...Petitioners

Vs

1. National Medical Commission,
Rep by its Secretary,
Pocket-14, Sector-8 Dwarka Phase-I,
New Delhi-110077.
2. National Testing Agency (NTA)
Rep by its Secretary,
Block-C, IITK Outreach Centre 20,
IA/8, Sector, Noida-201 309,
Uttar Pradesh
3. National Board of Examination,
Rep by its Secretary,
Medical Enclave, Ansari Nagar,
Mahatma Gandhi Marg,
Ring Road, New Delhi-110 029.
4. The Vice Chancellor,
The Tamil Nadu, Dr. M.G.R. Medical University,
No.69, Anna Salai, Guindy,
Chennai-600 032.

...Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the Respondents to dispose of the representation dated 30.09.2021 sent to the 4 Respondents requesting for a re-supplementary exam or relaxation of break system for the failed students of the 1st year MBBS (Bachelor of Medicine, Bachelor of Surgery) who joined the MBBS course in 2019 in accordance with law within a time frame to be



fixed by this Hon'ble Court.

For petitioner : Mrs. C. Nalini Chidambaram
Senior Counsel, For C. Uma

For Respondents : Mr. Ananth for R1
: Ms. Sunitha Kumari for R2
: Mr. R. Thirunavukarasu for R3
: Mr. D. Ravichandran for R4

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ORDER

The petitioners have filed this Writ petition seeking issuance of a Writ of Mandamus directing the Respondents to dispose of the representation dated 30.09.2021 sent to the 4 Respondents requesting for a re-supplementary exam or relaxation of break system for the failed students of the 1st year MBBS (Bachelor of Medicine, Bachelor of Surgery) who joined the MBBS course in 2019 in accordance with law within a time frame to be fixed by this Hon'ble Court.

2. It is the case of the petitioners is that the petitioners joined the MBBS course in various colleges in the year 2019 and they attended the 1st year examination for the said course which was conducted amidst the COVID pandemic period by the 4th respondent university in which the petitioners have failed in all the subjects due to lack of proper classes. Subsequent to that, a supplementary exam in May 2021 was conducted by the 4th respondent university for the failed candidates, however, the petitioners were unable to pass in their respective subjects due to COVID pandemic situation. Such being the case, the petitioners made representation on 30.09.2021 to all the respondents herein to conduct a re-supplementary exam for the failed candidates however, no action has been taken on the representation. Hence the present Writ Petition is filed seeking the above relief.

3. The learned counsel for the petitioner submits that the re-supplementary exam was conducted in the year 2018 for the 1st year students who joined in MBBS Course without any order from the Court. Therefore the same relief may be granted to the petitioners herein who are facing the similar situation.

4. Though very many grounds have been raised, learned counsel for the petitioner submits that it would suffice if this Court issues direction to the respondents to consider the petitioner's representation dated 30.09.2021 and pass appropriate orders, within a particular time frame fixed by this Court.

5. The learned counsel for the respondents submits that the



respondents have no objection on the said order being passed and the petitioners representation will be considered and appropriate orders will be passed, within a particular time frame fixed by this Court.

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6. In view of the above submissions, this Court without expressing any opinion on the merits of the case directs the Respondents to consider the representation dated 30.09.2021 made by the petitioners in line with its order of the year 2018 and pass appropriate orders in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

7. This Writ Petition is accordingly disposed of. No costs. Consequently, the connected Miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar

NHS

To

1. National Medical Commission,
Rep by its Secretary,
Pocket-14, Sector-8 Dwarka Phase-I,
New Delhi-110077.
2. National Testing Agency (NTA)
Rep by its Secretary,
Block-C, IITK Outreach Centre 20,
IA/8, Sector, Noida-201 309, Uttar Pradesh
3. National Board of Examination,
Rep by its Secretary,
Medical Enclave, Ansari Nagar,
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4. The Vice Chancellor,
The Tamil Nadu, Dr. M.G.R. Medical University,
No.69, Anna Salai, Guindy, Chennai-600 032.

+1cc to M/s.C.Uma, Advocate, S.R.No.61398

+1cc to M/s.Sunita Kumari, Advocate, S.R.No.61324

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and W.M.P.No.23926 of 2021

VSN-II (CO)
RGA(17/12/2021)