



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.02.2022

CORAM

THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P.No.2073 of 2022

K.Vimaladhithan

...Petitioner

--Vs--

1. The Tamil Nadu Dr.M.G.R.Medical University
Rep. by its Registrar,
Guindy, Chennai-600032.

2. The Controller of Examinations,
The Tamil Nadu Dr. M.G.R. Medical University
Guindy, Chennai-600032

3. The Principal,
Government Siddha Medical College,
No.2, Langar Gana Street,
Palayamkottai
Tirunelveli District-627002.

...Respondents

Prayer: Writ Petitions filed under Article 226 of the Constitution of India, to issue a Writ of certiorarified mandamus calling for the records from 2nd respondent relating the Note order made in the notification of examination dt: 22.01.2022, for the Siddha Maruthuvam Arignar Bachelor of Siddha Medicine and Surgery (BSMS) Degree Course examination May 2021, examination to be held in February 2022 and quash the same insofar as the petitioner is concerned and direct the respondents 1 to 2 to permit the petitioner to write the examination in Maruthuvam (Medicine) subject (Q.P.Code: 601231) to be held on 17.02.2022.

For Petitioner : Mr.S.Ayyathurai

For Respondent : Mr.S.Wilson [R1 & R2]
Mr.C.Jayaprakash [R3]
Government Advocate

O R D E R

Read this order in conjunction with order dated 07.02.2022, extracted below:



WEB COPY

Mr.S.Wilson, learned counsel accepts notice for R1 and R2 and Mr.C.Jayaprakash, learned Government Advocate accepts notice for R3 and both learned counsel seek some time to obtain instructions and file a counter.

2. The challenge is to a Note appended to a Call for supplementary examinations to be held in February 2022. The note states that the students who have appeared for the May 2021 final year examinations conducted in September 2021 are not eligible for the examinations to be conducted from 17 to 24th of February, 2022.

3. This appears contrary to Clause 10 (3) of Notification dated 07.11.2016, of the Indian Medicine Central Council (Minimum Standards of Education in Indian Medicine) Amendment Regulations, 2016, as per which, a supplementary examination is to be held within six months of a regular examination and students who have failed therein shall be eligible to appear in the supplementary examination, as the case may be.

4. Thus, and prima facie, the petitioner who was unsuccessful in the main examination written in September 2021 is eligible to write the supplementary examination proposed to be conducted in February 2022.

5. At request of learned counsel for the respondents, list on 10.02.2022 within the first five matters.

2. Written instructions under U.O.Note No. EX IV (1)/04411/2021 from the office of the Controller of Examination dated 08.02.2022 are circulated today. After setting out the history of the matter, the conclusion of the Authority is that candidates who have appeared in May 2021 examination are eligible to write arrears examinations only in October 2021 examination session which will be held, according to them, at the earliest.

3. However, this is contrary to clause 10(3) of Notification dated 07.11.2016 as already noted by me at paragraph 3 of the order extracted above. The instructions now produced neither address this point nor provide any justification for the



impugned note, as per which, students who have appeared for May 2021 examinations have been barred from writing examinations in the month of February, 2022.

WEB COPY

4. Hence, impugned Note dated 22.01.2022, which is seen to be contrary to Clause 10(3) of Notification dated 07.11.2016, is set aside. The petitioner succeeds in this writ petition. All formalities, in order to enable her to write the examination commencing from 17.02.2022, will be concluded by the University forthwith.

5. This writ petition is allowed in the above terms. No costs.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

ska

To

1. The Registrar,
The Tamil Nadu Dr.M.G.R.Medical University
Guindy, Chennai-600032.
2. The Controller of Examinations,
The Tamil Nadu Dr. M.G.R. Medical University
Guindy, Chennai-600032.
3. The Principal,
Government Siddha Medical College,
No.2, Langar Gana Street,
Palayamkottai
Tirunelveli District-627002.

+1cc to Mr.S.Ayyathurai, Advocate, S.R.No.848
+1 cc to the Government Pleader, Sr.No.9192(14/03/2022)

W.P.No.2073 of 2022

PM[co]
NSK 11/02/2022