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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20-01-2022

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THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

WP No.21833 of 2014

A.N.Raja Mohammed

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Petitioner

vs.

1.The Registrar,
Tamil Nadu Dr.M.G.R.Medical University,
Guindy,
Chennai - 600 032.

2.The Director of Medical Education,
Kilpauk,
Chennai - 600 010.

3.The Controller of Examination,
Tamil Nadu Dr.M.G.R.Medical University,
Guindy,
Chennai - 600 032.

4.The Dean,
Chengalpattu Medical College,
Chengalpattu,
Kancheepuram District.

..

Respondents

Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the order passed by the third respondent in his proceedings EX.1 (2)/4769/2010 dated 04.08.2010 and the order passed by the fourth respondent in his proceedings Ref.No.8920/MEI/2010 dated 26.08.2010 and quash the same, and direct the respondents to permit the petitioner to take the examination in Part II Final M.B.B.S. Course Examination in (i) Medicine (ii) Surgery and (iii) Obstetrics and Gynaecology; Internal Assessment Examination and Clinical Examination in the next ensuing examination.

For Petitioner

: Mr.C.Selvaraj,
Senior Counsel for
M/s.C.S.Associates.



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For Respondents-1 and 3 : Mr.D.Ravichander
For Respondents-2 and 4 : Mr.C.Jayaprakash,
Government Advocate
(Higher Education)

O R D E R

The petitioner was selected for admission to M.B.B.S. Course during the academic year 1991-1992. In December 1998, the final year Second Semester Examinations took place. In April 1999, the petitioner paid the examination fee for appearing in the examination. However, the petitioner was not permitted to take his examinations in April 2000.

2. The fourth respondent issued an order on 03.04.2000, informing the petitioner that he had not attended the classes for more than six months and therefore his name had been removed from the Students Roll. Challenging the said order, the petitioner filed WPNo.12483 of 2001 and the said writ petition was allowed on 24.09.2001.

3. The third respondent-University filed writ appeal in W.A.No.2522 of 2001 and the Division Bench directed the respondents to allow the petitioner to take the examinations in the failed papers alone. Accordingly, the writ appeal was disposed of on 11.08.2006 and the petitioner was permitted to take his examinations. The petitioner made representation and again the third respondent issued impugned order on 04.08.2010, rejecting the claim of the petitioner and the fourth respondent passed the consequential order, confirming the rejection order in proceedings dated 26.08.2010. Thus, the petitioner is constrained to move the present writ petition.

4. The learned Senior Counsel, appearing on behalf of the petitioner, mainly contended that the petitioner, based on the order passed by this Court, wrote Part II Final Year M.B.B.S. Examinations in December 2001 and unfortunately, the petitioner was declared as failed as if he was absent in the Internal Assessment Examination as well as in the Clinical Examination, though there are entries for his appearance in the Internal and Clinical examinations in the Hall Ticket.

5. The learned Senior Counsel appearing on behalf of the petitioner is of an opinion that a student has to complete his Course of 4-1/2 years in Six Semesters and after passing all the papers, he has to register his name in Tami Nadu Medical Council and the Tamil Nadu Medical Council will give Registration Number.



6. The petitioner has not completed all the papers. The petitioner is having arrears in three papers, i.e., Medicine, Surgery and Obstetrics and Gynaecology. Since the petitioner is in arrears, he was not permitted to join CRRI. Therefore, he cannot claim as a matter of right and the respondents also cannot allow the petitioner without Certificate from the Tamil Nadu Medical Council. In this context, the petitioner filed present writ petition by stating that he must be permitted to take the examination in Part II Final M.B.B.S. Course Examination in (i) Medicine (ii) Surgery and (iii) Obstetrics and Gynaecology; Internal Assessment Examination and Clinical Examination in the next ensuing examination

7. The writ petition was filed in the year 2014. The petitioner is now aged about 46 years, as per his own affidavit. The respondents have clearly stated that the writ petition itself is liable to be rejected on the ground of delay, as the impugned order passed in the year 2010, is under challenge in the present writ petition, which was filed in the year 2014, i.e., after the lapse of about four years from the date of passing of the impugned order.

8. The petitioner himself had admitted that he did not attend the Final Year M.B.B.S. Part II Examinations. The impugned order is nothing but an information pertaining to the examinations. In respect of conduct of election and academic, the Standing Academic Board of the University is the Apex Body to advise and implement the decision on Academics. The 43rd Standing Academic Board (SAB), held on 19.12.2011, had resolved to discharge candidates, who have crossed double the duration of their respective Course of study.

9. The petitioner was admitted and joined the M.B.B.S. Course during the year academic 1991-1992 and the last examination attended by the petitioner was in the year 2001. However he failed in the said examination. Thus, the petitioner was informed through the impugned order that he has crossed 20 years, i.e., double the years of study and his request cannot be considered. The said decision was taken in accordance with the resolution passed by the Standing Academic Board on 19.12.2011.

10. This Court is of the considered opinion that the petitioner secured admission to undergo M.B.B.S. Course during the academic year 1991-1992 and he was permitted to write the examinations till the year 2001, even after completion of the Course period. Earlier, the petitioner filed writ petition and the Court also permitted him to write the examination. However, the petitioner failed in the said examination also.



11. Now almost about 30 years have lapsed from the date of admission of the petitioner in the M.B.B.S. Course. The petitioner also filed the present writ petition after a lapse of about four years from the date of passing of the impugned order and he has not given any convincing reason for the purpose of condoning such a huge delay of about four years.

12. This being the facts and circumstances, this Court do not find any merit in respect of the contentions raised by the petitioner. Consequently, the writ petition is devoid of merits and it stands dismissed. However, there shall be no order as to costs.

Sd/-
Assistant Registrar (CS-II)

//True Copy//

Sub Assistant Registrar

Svn

To

1.The Registrar,
Tamil Nadu Dr.M.G.R.Medical University,
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4.The Dean,
Chengalpattu Medical College,
Chengalpattu,
Kancheepuram District.

+1cc to Mr.D.Ravichander, Advocate, S.R.No.3333
+1cc to M/s.C.S.Associates, Advocate, S.R.No.3644
+1cc to the Government Pleader, S.R.No.3675

WP 21833 of 2014

(CO)
SU(31/01/2022)