



W.P.Nos.1321 and 1327 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.08.2023

CORAM

MR.JUSTICE N.SESHASAYEE

W.P.Nos.1321 and 1327 of 2023
and W.M.P.Nos.1374, 1378 and 11636 of 2023

M.N.Sathyasheela

... Petitioner in W.P.No.1321 of 2023

Antony Ashley.A

... Petitioner in W.P.No.1327 of 2023

Vs.

1.The Registrar
The Tamil Nadu Dr.M.G.R.Medical University,
No.69, Anna Salai,
Guindy, Chennai-600 032.

2.The Controller of Examination,
The Tamil Nadu Dr.M.G.R.Medical University,
No.69, Anna Salai, Guindy,
Chennai-600 032

3.The Dean,
Panimalar Medical College Hospital and
Research Institute,
Varadharaja Puram,
Poonamallae-Chennai.

...Respondents in both W.Ps



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4.The National Medical Commission,
Rep. by its President, Pocket-14, Sector 8, Dwarka, Phase-1,
New Delhi-77.
(R4 impleaded vide order dated 01.08.2023 made
in W.M.P.No.17602 of 2023 in W.P.No.1321 of 2023 by NSSJ)

... Respondent in W.P.No.1321 of 2023

PRAYER in W.P.No.1321 of 2023: The writ petition filed under Article 226 of the Constitution of India, for issuance of a writ of Mandamus, directing the second respondent to permit the petitioner (Reg.Number.520020509110) to write the examination (Written and Practical) for the first year MBBS in the forthcoming Supplementary Examination, and publish the result of the same. (Prayer amended vide order dated 14.03.2023 made in W.M.P.No.8035 of 2023 in W.P.No.1321 of 2023 by MDIJ)

PRAYER in W.P.No.1327 of 2023: The writ petition filed under Article 226 of the Constitution of India, for issuance of a writ of Mandamus, directing the second respondent to permit the petitioner (Reg.Number.520020509010) to write the examination (Written and Practical) for the first year MBBS going to be commenced from 19.01.2023 in third respondent college and to publish the result of the same.



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For Petitioners : Mr.R.K.Ramaiah
in both W.Ps

For Respondents : Mr.Imayavaramban
for M/s.Ramalingam and Associates
for 1 and 2
in both W.Ps

Mr.M.S.Soundarajan for R3
in both W.Ps

Ms.Shubharajanai Ananth for R4
in W.P.No.1321 of 2023

COMMON ORDER

The petitioners in this case had a break-in-study in the medical course they were doing with the third respondent College. The break-in-study apparently had occasioned owing to Covid-19 situation, in which, both the petitioners claim that they experienced calamity. Now, since they want to continue their education, they approached with certain Application to the first respondent University and this Court Vide its separate orders dated 27.03.2023 had directed the respondent to allow the petitioners to attend the supplementary examinations scheduled to commence from 27.03.2023.



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2. Pursuant to the same, the petitioners were allowed to take the examinations but, still they missed the first examination that took place on 27.03.2023, the date of the very order of this Court. Therefore, the petitioners approached this Court with two other petitions in WMP.Nos.1374 and 1378 of 2023 in their respective Writ Petitions and this Court Vide its order dated 27.04.2023 has directed the first respondent to conduct a separate supplementary examination, for the examination which the petitioners had missed on 27.03.2023.

3. Mr. Imayavaramban, the learned counsel for the first and second respondents submitted that in deference to the order dated 27.04.2023, the first respondent has conducted a supplementary examination too but, expressed certain difficulties in this regard.

4. The learned counsel for the petitioners would now submit that the second Supplementary Examination was conducted on 11.06.2023, and that too when the petitioners had filed an Application for initiating contempt.



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5.The learned counsel for the first respondent would now submit that the first respondent has the Authority to conduct two examinations a year, one the main examination and the other supplementary examination for the failed candidates. Whereas, in the present case, the supplementary examination took place between 27.03.2023 and 28.03.2023, and there is no provision for holding a third examination in the same year, rather a second supplementary examination in the same year. This has been conducted only in deference to the order of this Court dated 27.04.2023. This examination needs to be ratified by the National Medical Commission, the newly impleaded fourth respondent.

6.When the matter came up before this Court on 14.08.2023, this Court directed that the petitioners be allowed to attend their second year classes and required the University to enable it to happen latest by 18.08.2023. This order appears not to have been complied with, and hence, the petitioner took out the Contempt Petition No.2013 of 2023.



7.Today, when the matter came up before this Court, the learned counsel for the first and second respondents / the Medical University, would submit that unless the results of the supplementary examination taken by the petitioners are published, they cannot sit for second year classes, and it is caught between the direction of the Court on the one hand, and the procedure hitherto followed by the University otherwise.

8.Ms.Shubharajanai Ananth, the learned counsel for the fourth respondent, on written instruction, submitted that the imbroglio and the impasse now created can be resolved with the fourth respondent now granting permission to the first and second respondents to publish the results for all the supplementary examinations written by the petitioners and then take a call if they have to attend second year classes.

9.In the estimate of this Court, there are three principal characters who may have contributed to the creation of the present situation. First, the petitioners themselves, but they would blame the Covid. Second, this Court which directed the petitioners to sit for the third supplementary examination,



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a specially organized supplementary examination in that . And thirdly, the University and the fourth respondent, who did not know what to do under the circumstances. Now, all the three have now joined to break this impasse, and it was largely enabled by the fourth respondent deciding to ratify the special supplementary examination conducted by the University.

10.Now, the fourth respondent has removed the road block for the respondents 1 and 2 to publish the results. Therefore, the respondents 1 and 2 are directed to publish the results forthwith, latest by 01.09.2023.

11.This instance is a standalone instance, and will not be a precedent for any future cases. This Court is constrained to make it thus, since it is on its direction, the University had conducted the third special supplementary examination for the petitioner. The act of the Court can neither harm any, nor can introduce rules which are not there already.

12.The learned counsel for the fourth respondent submitted that somewhere the fourth respondent felt the University appears to have bungled the issue.



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If there are any issues between the fourth respondent and the University in this regard, that falls outside the ambit of this case and this Court refrains from passing any observation on it.

13.In view of the above, these Writ Petitions stand disposed of accordingly.

No Costs. Consequently, the connected miscellaneous petitions are closed.

29.08.2023

Anu

Index : Yes / No

Neutral citation : yes/no

Note to office:Issue order copy on 30.08.2023

To

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No.69, Anna Salai,
Guindy, Chennai-600 032.

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N.SESHASAYEE, J.
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