



WEB COPY



W.P.No.499 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.03.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.499 of 2018

Indumathi. R

... Petitioner

Vs.

1.The Medical Council of India,
MCI Building Pocket-14,
Sector-8, Dwarka Phase I,
New Delhi – 110 077.

2.The Vice Chancellor,
Pondicherry University,
Kalapet, Puducherry.

3.The Registrar,
Pondicherry University,
Kalapet, Puducherry.

4.The Controller of Examinations,
Pondicherry University,
Kalapet, Puducherry.

5.Sri Venkateswara Medical College Hospital and
Research Institute, Ariyur,
Puducherry.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue
a Writ of Mandamus, directing the respondents 1 to 4 to pass orders by way



W.P.No.499 of 2018

of granting permission to continue the studies of the petitioner herein in the 3rd year at the 5th respondent's college (Sri Venkateswara Medical College Hospital and Research Institute, Ariyur, Puducherry) from this academic year 2018 onwards considering her case as an exceptional one considering her future career of education.

For Petitioner : M/s.N.Umapathi
For Respondents : M/s.Subharanjani Ananth
Standing Counsel [R1]
Ms.A.V.Bharathi [R2 to R4]
Mr.T.V.Lakshmanan

ORDER

This Writ Petition has been filed seeking for a Writ of Mandamus, to direct the respondents 1 to 4 to pass orders by way of granting permission to continue the studies of the petitioner herein in the 3rd year at the 5th respondent's college (Sri Venkateswara Medical College Hospital and Research Institute, Ariyur, Puducherry) from this academic year 2018 onwards considering her case as an exceptional one considering her future career of education.

2. The case of the petitioner is that the petitioner joined MBBS Course in the fifth respondent College for the academic year 2008 – 2009 and the said college is affiliated to the second respondent. The petitioner passed 1st



W.P.No.499 of 2018

and 2nd year in November 2014 and promoted to 3rd year in the 2014 – 2015.

Since the petitioner could not pay the fees due to her poverty and she also got married, she discontinued her studies till 2018. However, the Pondicherry University Regulations as well as the Act and the Medical Council of India (in short 'MCI') Regulations stipulates only eight years to complete the MBBS Course from the date of admission. Now, as per the Regulations, the eight years period is over by 2016, hence, the fifth respondent refused to admit the petitioner to continue the medical course. Therefore, the petitioner seeks permission from the respondents 1 to 4. Since the respondents 1 to 4 refused to give permission to the petitioner to continue the MBBS Course in the same college from third year MBBS Course, the present writ petition is filed for appropriate directions.

3. The learned counsel for the petitioner would submit that, as per the existing Pondicherry University MBBS Regulations, students admitted to MBBS Course should complete their 1st year papers in four attempts provided these four attempts are within three years from the year of admission, and should complete MBBS Course within a period of eight years from the year of admission. However, the Government of India vide



W.P.No.499 of 2018

notification No.155 dated 30.09.2003, has deleted the stipulation of four attempts for completion of 1st year MBBS and MCI has withdrawn the maximum eight years for completion of the course. In view of the above notification dated 30.09.2003, the petitioner is entitled to continue the course for unlimited period. Hence, he prayed that this Court may issue a direction to the fifth respondent to allow the petitioner to complete the course.

4. The learned Standing Counsel appearing for the first respondent would submit that the notification No.155 dated 30.09.2003 is applicable only to the students who are pursuing the studies in the very same college with arrears, however, the same does not apply to the students, who discontinued the studies. Admittedly, the petitioner joined the MBBS course in the academic year 2008 – 2009 in the fifth respondent College and passed first year course on 17.08.2010 and second year course on 20.03.2015. However, due to personal reasons, the petitioner did not choose to continue her studies after 2015. The petitioner having joined the MBBS Course in the academic year 2008–09 is governed by the Pondicherry University Regulations 2008 – 09. Thereafter, on 05.10.2017, the petitioner made a representation to the fourth respondent through the Principal of the fifth



W.P.No.499 of 2018

respondent seeking permission to continue her MBBS course and the said representation was forwarded by the fifth respondent on 10.11.2017. Subsequently, the fourth respondent-University has sent a letter to the fifth respondent on 29.11.2017, in which, it has been informed that the petitioner is not entitled to continue her MBBS Course as she already exhausted all the eight years of permitted study to complete MBBS Course and that apart, there was a break in study for more than two years. In the said situation, the prayer sought for in this writ petition cannot be granted.

5. The learned counsel for the respondents 2 to 4 would submit that Clause (8) and (9) of Phase III of Pondicherry University Regulations, says that the maximum duration permitted to complete MBBS Course is eight years. An extension of 3½ years only is allowed beyond the scheduled time for that batch of MBBS in which the candidate was enrolled. In case of a candidate discontinuing in the middle and wishing to rejoin, the period of absence will be condoned only if a prior permission has been sought from the University before discontinuing. In view of the above regulation, the prayer sought for in this writ petition cannot be granted, hence, he prayed for dismissal of this writ petition.



W.P.No.499 of 2018

WEB COPY

6. Heard both sides and perused the materials available on record.

7. The facts in the present case are not in dispute. Admittedly, the petitioner joined MBBS Course for the academic year 2008 – 2009 in the fifth respondent College. It is also not in dispute that the petitioner cleared 1st year course on 17.08.2010 and second year course on 20.03.2015. The petitioner after discontinuing the course, she made a representation on 05.10.2017 before the fifth respondent College seeking permission for continuing her studies and the fifth respondent forwarded the same to the University on 10.11.2017 and thereafter, the University passed an order dated 29.11.2017 rejecting the petitioner's request to continue her studies. However, the present writ petition is filed solely on the ground that eight years period for completing the MBBS course was removed by the Medical Council of India vide notification No.155 dated 30.09.2003. Though Medical Council of India passed a notification to delete the period of eight years to complete the MBBS Course, still the eight period continues with the Pondicherry University.



W.P.No.499 of 2018

8.As rightly pointed out by the learned counsel appearing for the respondents 2 to 4 that in case of a candidate discontinuing in the middle and wishing to rejoin, the period of absence will be condoned only if a prior permission has been sought from the University before discontinuing. However, in the present case, the petitioner has not obtained any permission prior to her discontinuation and her request was also rejected by the University on 29.11.2017. Without challenging the order dated 29.11.2017, filing this writ petition is not sustainable. Hence, the prayer sought in the writ petition cannot be granted and the writ petition is liable to be dismissed.

9.Accordingly, the writ petition is dismissed. No costs.

14.03.2023

Index: Yes/ No

Speaking Order/ Non-Speaking Order

Neutral Citation Case : Yes / No

sp

To

1.The Medical Council of India,
MCI Building Pocket-14,
Sector-8, Dwarka Phase I,
New Delhi – 110 077.



WEB COPY



W.P.No.499 of 2018

M.DHANDAPANI, J.,

sp

2.The Vice Chancellor,
Pondicherry University,
Kalapet, Puducherry.

3.The Registrar,
Pondicherry University,
Kalapet, Puducherry.

4.The Controller of Examinations,
Pondicherry University,
Kalapet, Puducherry.

W.P.No.499 of 2018

14.03.2023