



W.P.No.10909 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.04.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.10909 of 2023

and

W.M.P.Nos.10810 and 10811 of 2023

M.R.Gowrishankar

... Petitioner

Vs.

1. The Dental Council of India,
Represented by its Secretary,
Aiwan-E-Galib Marg,
Kotla Road,
Temple Lane,
New Delhi - 110 002.
2. The Chairman,
Meenakshi Academy of Higher Education and Research,
No.12, Vembuliamman Koil Street,
West K.K.Nagar,
Chennai - 600 078.
3. The Principal,
Mennakshi Ammal Dental College Hostel,
Alapakkam Main Road,
Maduravoyal,
Chennai - 600 095.



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4. The Controller of Examinations,
Meenakshi Academy of Higher Education and Research,
No.12, Vembuliamman Koil Street,
West K.K.Nagar,
Chennai - 600 078.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the respondents to forthwith publish the result of the subject, General Medicine (Code No.2136) of the petitioner and consequently, direct the respondents to permit the petitioner to attend 4th year BDS Course.

For Petitioner : Mr.K.Selvaraj

For Respondent : Mr.Haja Mohideen Gisthi for R1

ORDER

This Writ Petition has been filed for a direction to the respondents to forthwith publish the result of the subject, General Medicine (Code No.2136) of the petitioner and consequently, direct the respondents to permit the petitioner to attend 4th year BDS Course.



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2. The learned counsel appearing for the petitioner would submit that the petitioner was admitted in the third respondent College on 20.01.2020 to undergo BDS Course. Subsequently, on 05.02.2020, the petitioner met with a road accident and he has suffered head injuries. Thereafter, during March 2021, he appeared for the 1st year Examination and has cleared all the three subjects. During February 2022, he appeared for the 2nd year examination and has passed in all the five subjects. On 04.02.2023, the petitioner's father requested the third respondent to give him time till 15.03.2023 to pay the 2nd and 3rd year fee of the petitioner by selling his property. However, the Vice Principal of the College gave time only upto 10.02.2023. On 15.03.2023, the petitioner father has sold his property and the petitioner has paid 2nd year and 3rd year fee on 16.03.2023. On 18.03.2023, the 3rd year result of the petitioner was published in the notice board. However, the College has withheld the result of one subject, viz., General Medicine. Therefore, the petitioner's father has submitted a letter to the third respondent on 28.03.2023 to publish the result of the withheld subject of the petitioner. But the same has not been considered till date. Hence, the petitioner has filed a Writ



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Petition with the aforesaid prayer.

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3. The learned counsel appearing for the petitioner would further submit that though very many grounds have been raised in the present Writ Petition, it would suffice, if this Court may issues a direction to the fourth respondent to consider the petitioner's father letter dated 28.03.2023 and pass appropriate orders, within a time frame that may be fixed by this Court.

4. The learned counsel appearing for the first respondent has no serious objection for such an order being passed by this Court.

5. Heard learned counsel appearing on either side and perused the materials placed before this Court.

6. Considering the limited request made by the learned counsel for the petitioner, this Court, without going into the merits of the matter, directs the fourth respondent to consider the petitioner's father letter



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dated 28.03.2023 and pass appropriate orders, on merits and in accordance with law, within a period of two weeks from the date of receipt of a copy of this order.

7. With the above directions, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

11.04.2023

NCC: Yes / No
Index : Yes / No
Speaking Order : Yes / No

vji

Note: Issue order copy by 17.04.2023.

To

1. The Secretary,
The Dental Council of India,
Aiwan-E-Galib Marg,
Kotla Road,
Temple Lane,
New Delhi - 110 002.
2. The Chairman,
Meenakshi Academy of Higher Education and Research,
No.12, Vembuliamman Koil Street,



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West K.K.Nagar,
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Today, this matter is listed under the caption “For Being Mentioned” at the instance of the learned counsel for the first respondent.

2. Mr.Subramanian Vaidyanathan, learned counsel appearing for the first respondent submitted that, though he was present on 11.04.2023 and advanced his arguments effectively, his appearance was not marked in the order dated 11.04.2023 made in W.P.No.10909 of 2023. However, one Mr.Haja Mohideen Gisthi's name was marked as learned counsel for the first respondent. Hence, this Court may direct the registry to carry out the necessary corrections in the order copy dated 11.04.2023 and re-issue fresh order copy.

3. Though Mr.Subramanian Vaidyanathan, learned counsel appeared for the first respondent and made arguments, however, inadvertently, the Court Officer has marked appearance of Mr.Haja Mohideen Gisthi as learned counsel for first respondent. Accordingly, Mr.Subramanian Vaidyanathan shall be marked as learned counsel for the first respondent in the order dated 11.04.2023.



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4. Registry is directed to carry out the necessary correction in the order dated 11.04.2023 and issue a fresh copy of the order to the learned counsel for the parties. In other respects, the earlier order dated 11.04.2023 shall remain unaltered.

27.04.2023

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