



W.P.No.17910 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.06.2023

CORAM
THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

W.P.No.17910 of 2023
and
WMP.No.17038 of 2023

U.Mohamed Aashiq Samsudin

...Petitioner

Vs.

1. The Tamil Nadu Dr.MGR Medical University,
Represented by its Registrar,
No.169, Anna Salai, Guindy,
Chennai - 600 032.
2. The Selection Committee,
Represented by its Secretary,
Directorate of Medical Education,
No.162, Periyar E.V.R. High Road,
Kilpauk, Chennai - 600 010.
3. Sri Muthukumaran Medical College Hospital Research Institute,
Represented by its Managing Trustee Gomathi Ammal,
Chikkarayapuram, Near Mangadu,
Chennai, Tamil Nadu – 600 069.

...Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the 1st respondent Medical



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University to permit the petitioner to sit for the supplementary examinations scheduled to be conducted on and from 03.07.2023 for the 2nd year MBBS students admitted in the year 2019-2020 by accepting his application and prescribed fee thereof and by issuing hall ticket subject to the decision that may be rendered in W.P.Nos.28148/2022 and 31524/2022 which have been reserved for orders on 23.11.2022 and 25.11.2022 and the orders is likely to be pronounced sooner or in the month of June or July, 2023.

For Petitioner : Mr.S.Rajendran

For Respondents : Ms.N.Sneha, SC, for R2
: Mr.Vishnu Venkatesh, for R3

ORDER

This Writ petition has been filed seeking direction to the 1st respondent Medical University to permit the petitioner to sit for the supplementary examinations scheduled to be conducted on and from 03.07.2023 for the 2nd year MBBS students admitted in the year 2019-2020 by accepting his application and prescribed fee thereof and by issuing hall ticket.

2. Ms.M.Sneha, learned Standing counsel takes notice for the 2nd respondent. Mr.Vishnu Venkatesh, learned counsel takes notice for the 3rd



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respondent. In view of the consent expressed by learned counsel appearing on either side, this Writ petition is taken up for final disposal.

3. When the matter is taken up for hearing learned counsel appearing for the petitioner submitted that, an identical issue has come up before this Court in W.P.No.15459 of 2023 vide order dated 05.06.2023, in which this Court has held as follows:

“

10. The facts in the present case are not in dispute. Admittedly, this is a second round of litigation. The third respondent College filed a Writ Petition which was dismissed, and when taken on Writ Appeal, a Division Bench of this Court granted an order of interim directions to the respondents 1 and 2 to issue Hall Ticket to the petitioners herein for taking their first year examination scheduled to be commenced from 15.02.2021, however, their results are directed to be with held. Thereafter, a further direction was issued to release the results in order to enable them to participate in the supplementary examinations. Subsequently, the Writ Appeal got dismissed on 22.06.2022, as against which, the third respondent Medical College preferred a Special Leave Petition in SLP (C) No.12735 of 2022 and the petitioners also, as aggrieved students, preferred Special Leave Petition in SLP (C) Diary No.23565 of 2022. Both SLPs came together for hearing before the Hon'ble Supreme Court on 08.08.2022. But the third respondent College withdrew its SLP (C) No.12735 of 2022 and the petitioners in SLP (C)



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Diary No.23565 of 2022 was also permitted to be withdrawn with liberty enabling them to pursue their remedies as available in law before this Court.

11. In the meanwhile, the first respondent University issued the impugned order dated 08.08.2022 directing the third respondent College to discharge the petitioners from pursuing their MBBS Course. Aggrieved by the impugned order of the first respondent University, the petitioners were constrained to approach this Court in W.P.Nos.28148 and 31524 of 2022. The Writ Petitions were heard and orders were reserved on 23.11.2022 and 25.11.2022. However, the petitioners were not permitted to participate in the forthcoming supplementary examinations to be held for third year MBBS students on 07.06.2023, subject to the Writ Petitions which were reserved for orders to be pronounced by this Court at any time.

12. The learned Senior Counsel appearing for the petitioners and the learned Senior Counsel appearing for the third respondent College claim that all along the petitioners were participated in the first year and second year examinations, however they were not allowed to participate in the supplementary examinations for the third year MBBS Course which scheduled to be held on 07.06.2023. Unless the petitioners participate in the examination, they would be deprived of their rights in case they succeed in W.P.Nos.28148 and 31524 of 2022.

13. In view of the affidavit filed by the petitioners in Paragraph No.13, this Court is inclined to inclined to dispose of the Writ Petition with the following directions:

(i) The petitioners are directed to participate in the



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examination scheduled to be commenced on 07.06.2023. However, the appearance of the petitioners in the examination on 07.06.2023 will not give any enforceable right to them and is subject to the result of the Writ Petitions in W.P.Nos.28148 and 31524 of 2022 filed by the petitioners.

(ii) It is made clear that the petitioners cannot claim any equity for participation in the subsequent examinations and this order is confined only to the examination to be commenced on 07.06.2023.

(iii) The third respondent College is directed to collect the examination fee from the petitioners and remit to the first respondent University.

(iv) The first respondent is directed to issue Hall Ticket to the petitioners enabling them to participate in the examination scheduled to be commenced on 07.06.2023.

14. With the above directions, this Writ Petition is disposed of. Consequently, connected W.M.P.No.15011 of 2023 is closed. No costs."

4. Accordingly, the learned counsel for the petitioner prayed this Court that, the same benefit may be extended to this petitioner also.

5. Learned counsel appearing for the respective respondents have no objection for the said order being passed.



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

7. In view of the issue having been settled already and the present case falls squarely within the four corners of the said decision, this Court is inclined to extend the same benefit to this petitioner also with the following directions:

(i) The petitioner is directed to participate in the supplementary examinations for the 2nd year, scheduled to be commenced on 03.07.2023. However, the appearance of the petitioner in the examination on 03.07.2023 will not give any enforceable right to him and is subject to the result of the Writ Petitions in W.P.Nos.28148 and 31524 of 2022 filed by the petitioners.

(ii) It is made clear that the petitioner cannot claim any equity for participation in the subsequent examinations and this order is confined only to the examination to be commenced on 03.07.2023.



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(iii) Sri Muthukumaran Medical College Hospital and Research Institute / 3rd respondent is directed to collect the examination fee from the petitioner and remit to the 1st respondent University.

(iv) The 1st respondent is directed to issue Hall Ticket to the petitioner enabling him to participate in the examination scheduled to be commenced on 03.07.2023.

8. With the aforesaid directions, this Writ Petition stands disposed of.

No costs. Consequently, connected miscellaneous petition is closed.

21.06.2023

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

Note to office: Issue order copy on 23.06.2023.

To

1. The Tamil Nadu Dr.MGR Medical University,
Represented by its Registrar,
No.169, Anna Salai, Guindy,



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- Chennai - 600 032.
2. The Selection Committee,
Represented by its Secretary,
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Kilpauk, Chennai - 600 010.
 3. Sri Muthukumaran Medical College Hospital Research Institute,
Represented by its Managing Trustee Gomathi Ammal,
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