



W.P.No.18917 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.06.2023

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

W.P.No.18917 of 2023  
and  
WMP.No.18149 of 2023

Aishwarya.R

...Petitioner

Vs.

1. The Tamil Nadu Dr.MGR Medical University,  
Represented by its Registrar,  
No.169, Anna Salai, Guindy,  
Chennai - 600 032.
2. Sri Muthukumaran Medical College Hospital and  
Research Institute,  
Represented by its Managing Trustee, Gomathi Ammal,  
Chikkarayapuram, Near Mangadu,  
Chennai, Tamil Nadu – 600 069.
3. State of Tamil Nadu,  
Represented by its Secretary to Government,  
Health and Family Welfare Department,  
Secretariat, Fort St.George,  
Chennai – 600 009.
4. The National Medical Commission,  
Rep by its Secretary,



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Pocket – 14, Sector – 8, Dwarka,  
New Delhi – 110 077.

...Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the respondents 1 and 2 to issue hall tickets and permit the petitioner to sit for the M.B.B.S. Second year semester arrear examinations (theory and practical) to be conducted in the 2<sup>nd</sup> respondent college from 03.07.2023 and subsequently declare the results for the same.

For Petitioner : Mr.Richardson Wilson

For Respondents : Mr.Imayavaramban  
for M/s.Ramalingam & Associates for R1

Mr.Vishnu Venkatesh for R2

Mr.E.Veda Bagath Singh, SGP for R3

Mrs.Shubaranjani Ananth for R4

### **ORDER**

This Writ petition has been filed seeking direction to respondents 1 and 2 to issue hall tickets and permit the petitioner to sit for the M.B.B.S. Second year semester arrear examinations (theory and practical) to be conducted in the 2<sup>nd</sup> respondent college from 03.07.2023 and subsequently declare the results for the same.



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2. Mr.Imayavaramban, accepts notice for the first respondent, Mr.Vishnu Venkatesh, accepts notice for the second respondent, Mr.E.Veda Bagath Singh, learned Special Government Pleader, accepts notice for third respondent and Mrs.Shubaranjani Ananth, accpets notice for the fourth 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*



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*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) 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*



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*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 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



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Court that, the same benefit may be extended to this petitioner also.

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

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 second year semester arrear examination (theory and practical) for the 2<sup>nd</sup> 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



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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.

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

(iv) The 1<sup>st</sup> 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.

**27.06.2023**

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NCC : Yes / No

Index : Yes / No

Speaking Order : Yes / No

**Note to office:** Issue order copy on 30.06.2023.



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1. The Registrar,  
The Tamil Nadu Dr.MGR Medical University,  
No.169, Anna Salai, Guindy,  
Chennai - 600 032.
2. Managing Trustee, Gomathi Ammal,  
Sri Muthukumaran Medical College Hospital and  
Research Institute,  
Chikkarayapuram, Near Mangadu,  
Chennai, Tamil Nadu – 600 069.
3. Secretary to Government,  
State of Tamil Nadu,  
Health and Family Welfare Department,  
Secretariat, Fort St.George,  
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4. Secretary,  
The National Medical Commission,  
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**M.DHANDAPANI., J.**

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