



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 24.11.2023

CORAM

THE HONOURA

BLE DR. JUSTICE ANITA SUMANTH

W.P.No.28674 of 2023
& WMP.Nos.28219 & 28220 of 2023

1.Megha Maria Joe

2.Diya Lakshmi Santhosh

3.Praveen Kumar M

... Petitioners

Vs.

1.National Medical Commission

Represented by its Chairman

Pocket -14, Sector – 8, Dwarka Phase -1

New Delhi – 110077.

2. Controller of Examinations,

Pondicherry University,

Pondicherry.

3. Indira Gandhi Medical College and Research Institute

Represented by its Chairman

Kathirkanam,

Puducherry – 605009.

... Respondents



W.P.No.28674 of 2023

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 2nd respondent to follow the new CBME guidelines No.U.14021/8/2023-UGMED released by the National Medical Commission dated 01.08.2023.

For Petitioners : Ms.S.Sowjanya
For Respondents : M/s.Shubharanjani Ananth (R1)
Mr.J.Kumaran (R3)
Additional Government Pleader (Pondy)

ORDER

This Writ petition has been filed by three students studying in Indira Gandhi Medical College and Research Institute/R3 pursuing 2nd year MBBS. They were unsuccessful in the Bio-Chemistry paper in the 1st year and had written the supplementary examination for that paper on 02.08.2023.

2. While this is so, the National Medical Commission/R1 had released new Competency Based Medical Education (CBME) guidelines bearing No.U.14021/8/2023-UGMED on 01.08.2023 that revoked the earlier CBME guidelines. The new guidelines had made certain changes to the method of assessment and marking.

3. The position that obtained prior to the new CBME guidelines was that in subjects where there were two papers, the student must secure a minimum of 50% in aggregate (both papers together) to pass in that subject. In other words,



the criteria was that the student should obtain 50% in the University conducted examination separately in theory and in practicals examination in order to be declared as passed.

4. Post implementation of the new CBME guidelines, in subjects that have two papers, the student must secure a minimum of 40% in aggregate (both papers together) to pass that subject. Thus the student was to obtain 50% marks in aggregate and 60:40 (minimum) or 40:60 (minimum) in the University conducted theory and practical papers in order to be declared as passed.

5. Admittedly, in the papers written by the petitioners on 02.08.2023 they have secured, (i) Megha Maria Joe – 94 (Theory) and 89 (Practical), (ii) Diyvalakshmi Santhosh - 90 (Theory) and 90 (Practical) and (iii) Praveen Kumar.M – 90 (Theory) and 82 (Practical). Thus, by application of the amended guidelines all the three students ought to have been declared as passed.

6. R3 had not however declared the status of the petitioners as 'passed' in the declaration of the results and hence, this Writ petition seeking a mandamus directing R2, being the Controller of Examinations, Pondicherry University to apply the new CBME guidelines such that the petitioners would be declared as passed in Bio-Chemistry paper, written on 02.08.2023.



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7. The main defence of the respondents is that the guidelines are effective only from 01.08.2023 and hence they would apply to a block of examinations that have commenced thereafter. However, a perusal of the amended guidelines does not make any such distinction, between individual papers and a block of examinations.

8. Pending writ petition, R1 has issued a public notice to the effect that the CBME guidelines would have only prospective application. There is no quarrel on this aspect of the matter, as undoubtedly even the Frequently Asked Questions issued at the first instance state that the guidelines are applicable on and from the date of application, i.e., from 01.08.2023. Thus, mandamus as sought for by the petitioners is liable to be issued and I do so.

9. To be noted that the respondents do not deny that the petitioners would, by virtue of application of the new guidelines, indeed, have obtained necessary marks to be declared as 'passed' in the examination. This Writ petition is allowed. No costs. Connected Miscellaneous petitions are closed.

24.11.2023

Index : Yes
Speaking order
Neutral Citation: Yes
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Dr.ANITA SUMANTH, J.

mpl

To

1.National Medical Commission

Represented by its Chairman

Pocket -14, Sector – 8, Dwarka Phase -1

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