



W.P.Nos.34073, 34077, 34083, 34088 and 34092 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.06.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.Nos.34073, 34077, 34083, 34088 and 34092 of 2022

and

**W.M.P.Nos.33536 to 33538, 33544, 33546, 33550, 33553, 33554, 33556,
33560 to 33562, 33567, 33568 and 33570 of 2022**

Mohammad Ziauddin ... Petitioner in W.P.No.34073 of 2022

Ravi Meena ... Petitioner in W.P.No.34077 of 2022

Pooran Lal Bimal ... Petitioner in W.P.No.34083 of 2022

Deepak Kumar Bahmania ... Petitioner in W.P.No.34088 of 2022

S.Hemashri ... Petitioner in W.P.No.34092 of 2022

Vs.

1. The Director,
Jawaharlal Institute of Postgraduate Medical
Education and Research (JIPMER),
Pondicherry.

2. The Dean (Academics),
Jawaharlal Institute of Postgraduate Medical
Education and Research (JIPMER),
Pondicherry.



W.P.Nos.34073, 34077, 34083, 34088 and 34092 of 2022

3. The Controller of Examination,
Jawaharlal Institute of Postgraduate Medical
Education and Research (JIPMER),
Pondicherry.

... Respondents

PRAYER in W.P.No.34073 of 2022 : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, calling for the records pertaining impugned notice dated 04.05.2021, vide proceedings No.JIP/JACUG/11/2021 and the consequential impugned proceedings No.JIP/JACMBBS/6/2022, dated 02.07.2022 issued by the second respondent and quash the same as the same has been issued unilaterally and further direct the respondents, to permit the petitioner to appear in the Semester Exams, conducted by the respondents, enabling the petitioner to clear the final year MBBS Part-II subjects, Paediatrics and Obstetrics and Gynaecology and secure MBBS degree.

PRAYER in W.P.No.34077 of 2022: Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, calling for the records pertaining impugned notice dated 04.05.2021, vide proceedings No.JIP/JACUG/11/2021 and the consequential impugned proceedings No.JIP/JACMBBS/6/2022, dated 02.07.2022 issued by the second respondent and quash the same as the same has been issued unilaterally and further direct the respondents, to permit the petitioner to appear in the Semester Exams, conducted by the respondents, enabling the petitioner to appear for her third year and final year MBBS subjects and secure MBBS degree.

PRAYER in W.P.No.34083 of 2022 : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, calling for the records pertaining impugned notice dated 04.05.2021, vide proceedings No.JIP/JACUG/11/2021 and the consequential impugned proceedings No.JIP/JACMBBS/6/2022, dated 02.07.2022 issued by the second respondent and quash the same as the same has been issued unilaterally and further direct the respondents, to permit the



W.P.Nos.34073, 34077, 34083, 34088 and 34092 of 2022

petitioner to appear in the Semester Exams, conducted by the respondents, enabling the petitioner to clear the final year MBBS Part-I and Part-II subjects, Paediatrics and Obstetrics and Gynaecology and secure MBBS degree.

PRAYER in W.P.No.34088 of 2022 : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, calling for the records pertaining impugned notice dated 04.05.2021, vide proceedings No.JIP/JACUG/11/2021 and the consequential impugned proceedings No.JIP/JACMBBS/6/2022, dated 02.07.2022 issued by the second respondent and quash the same as the same has been issued unilaterally and further direct the respondents, to permit the petitioner to appear in the Semester Exams, conducted by the respondents, enabling the petitioner to clear the final year MBBS Part-II subjects, General Surgery; Paediatrics and Obstetrics and Gynaecology and secure MBBS degree.

PRAYER in W.P.No.34092 of 2022 : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, calling for the records pertaining impugned notice dated 04.05.2021, vide proceedings No.JIP/JACUG/11/2021 and quash the same as the same has been issued unilaterally and further direct the respondents, to permit the petitioner to appear in the Semester Exams, conducted by the respondents, enabling the petitioner to clear the final year MBBS Part-II subjects, General Surgery and Paediatrics and secure MBBS degree.

For Petitioners

in all W.Ps' : Mr.L.Chandrakumar
for Mr.B.Balavijayan

For Respondents

in all W.Ps' : Mr.M.T.Arunan
Standing Counsel for JIPMER

COMMON ORDER



W.P.Nos.34073, 34077, 34083, 34088 and 34092 of 2022

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Since the issue raised in all these Writ Petitions is one and the same, with the consent of the learned counsel appearing for both sides, all these Writ Petitions have been heard together and are disposed of by this common order.

2. The case of the petitioners is that the petitioners have been admitted in the first respondent Institution in the 1st year MBBS Course in the year 2008, 2009 and 2010 respectively. In the 1st year itself, they were detained placing reference on the internal assessment. Thereafter, they managed to clear the subjects in the 3rd year and moved on to the final year, but they could not clear the exams within the stipulated period due to various reasons. All of a sudden, without considering the situation and without giving opportunity to the petitioners, the second respondent has issued the impugned notice dated 04.05.2021, informing that the petitioners are being removed from the student live list of JIPMER with immediate effect due to non-completion of the MBBS Course within the stipulated period of nine years, i.e., double the duration of the course according to the



W.P.Nos.34073, 34077, 34083, 34088 and 34092 of 2022

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JIPMER curriculum. Challenging the impugned notice dated 04.05.2021, the petitioners have filed these Writ Petitions.

3. The learned counsel appearing for the petitioners would submit that admittedly the petitioners were admitted in the first respondent Institution in the MBBS Course in the year 2008, 2009 and 2010 respectively, however, they were not cleared the examination till date. Further, final chance was given to them by the second respondent vide proceedings dated 03.02.2021 for participation in the examination, even then, they were not able to succeed in the examination. For appearance of one more chance to clear the examination, these Writ Petitions have been filed.

4. The learned Standing Counsel appearing for the respondents would submit that to complete the MBBS course, the duration of the period is nine years, however even after completion of nearly two decades, the petitioners could not able to complete the examination. As a last chance, the



W.P.Nos.34073, 34077, 34083, 34088 and 34092 of 2022

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second respondent vide proceedings dated 03.02.2021 granted permission to all the petitioners to appear in the professional exams that are to be held in the year February / March 2021. Subsequently, they participated in the examination, however, they did not pass the examination and therefore the petitioners names were removed from the student live list of JIPMER which was in consonance with the earlier proceedings dated 03.02.2021. Accordingly, he prayed for dismissal of these Writ Petitions.

5. Heard the learned counsel appearing for the parties and perused the materials placed before this Court.

6. The facts in the present case are not in dispute. Admittedly, the petitioners were admitted in the MBBS Course in the first respondent Institution in the year 2008, 2009 and 2010 respectively. However, even after nearly two decades, the petitioners have not completed the MBBS examination and the final chance was also given to them by way of memorandum dated 03.02.2021 by the second respondent. In the said proceedings, the second respondent made it clear that the petitioners have



W.P.Nos.34073, 34077, 34083, 34088 and 34092 of 2022

exceeded the maximum duration of the course, i.e., 8 years and still they have not cleared the course and they were instructed to appear in the professional exams that are to be held in the year February / March 2021 and the same shall be considered as the final attempt to clear the examination. If the petitioners failed to pass in the examination, action will be taken to remove their name from the student's roll of JIPMER MBBS Course without further notice. Subsequently, they participated in the examination, however, they did not pass the examination and therefore, the petitioners names were removed from the student live list of JIPMER which was in consonance with the earlier proceedings dated 03.02.2021. Considering the fact that the petitioners have not utilized even the last chance given to them in the year 2021 and did not pass the examination, the question of giving one more opportunity to the petitioners does not arise. Moreover, in the absence of any provisions in the relevant Rules, this Court cannot interfere with the impugned notice dated 04.05.2021 and the Writ Petitions are devoid of merits.

7. With the above observations, these Writ Petitions are dismissed.



W.P.Nos.34073, 34077, 34083, 34088 and 34092 of 2022

No costs. Consequently, connected Miscellaneous Petitions are closed.

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06.06.2023

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

vji

To

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Jawaharlal Institute of Postgraduate Medical
Education and Research (JIPMER),
Pondicherry.
2. The Dean (Academics),
Jawaharlal Institute of Postgraduate Medical
Education and Research (JIPMER),
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W.P.Nos.34073, 34077, 34083, 34088 and 34092 of 2022

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