

112

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP-10743-2023

Date of decision: 18.05.2023

Ayush Dass

...Petitioner

Versus

Director, PT. B.D. Sharma, University of Health Sciences, Rohtak (Haryana)
and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Puneet Kakkar, Advocate for the petitioner.

Mr. Rajesh Goyat, Advocate for respondent Nos.1 & 2.

VIKAS BAHL, J. (ORAL)

1. This is a Civil Writ Petition filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of Mandamus directing the respondents to allow the petitioner to attend the training programs for 2nd years of M.B.B.S. Course and directing the respondents to get the supplementary exam of the petitioner for the subject Anatomy (MB-1) checked from some expert.

2. Learned counsel for respondent Nos.1 and 2 has submitted that the present petitioner had got supplementary in the first attempt and in reappearance also, had got supplementary and thus, as per Medical Council of India Regulation on Graduate Medical Education, 1997, Clause 8, since, passing in the first professional is compulsory before proceeding to 2nd MBBS training, thus, the petitioner cannot be permitted for second year. It is

further submitted that although, revaluation is barred under Clause 20 of the University Ordinance but there is a provision of rechecking on payment of Rs.500/-. It is further submitted that in case, the petitioner would apply for rechecking after paying the necessary fee then the said application would be considered as expeditiously as possible preferably within a period of seven days from the date of receiving of the application.

3. Learned counsel for the petitioner has submitted that in view of the same, he seeks permission of this Court to file an application for rechecking and for the said purpose, the petitioner would deposit the necessary fee of Rs.500/- and has prayed that the respondents be directed to consider the same within a period of seven days from the date of receipt of the said application.

4. Keeping in view the abovesaid facts and circumstances, the present Civil Writ Petition is disposed of with the following observations:-

- a) The petitioner would be permitted to file an application for rechecking along with the prescribed fee.
- b) In case, the said application is filed along with the prescribed fee, respondent No.2 is directed to consider the same, in accordance with law, within a period of one week from the date of receipt of the said application.

5. This Court has not opined on the merits of the case of the petitioner and in case, any such application is moved then the same would be considered independently and in accordance with law.

18.05.2023*Pawan***(VIKAS BAHL)
JUDGE****Whether speaking/reasoned:- Yes/No
Whether reportable:- Yes/No**