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W.P.Nos.1262, 1267, 1270, 1273, 3035 and



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.10.2024

CORAM:

THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR

AND

THE HON'BLE MR.JUSTICE P.B.BALAJI

W.P.Nos.1262, 1267, 1270, 1273, 3035 and 4067 of 2024

and

W.M.P.Nos.1319, 1322, 1323, 1327, 3311, 3312, 4390 & 4391 of 2024

W.P.No.1262 of 2024

R.Keerthana

... Petitioner

-VS-

1. The National Medical Commission,
Rep. by its Chairman,
Pocket-14, Sector-8, Dwarka Phase-1,
New Delhi-110 077.
2. The Controller of Examinations,
Pondicherry University,
Pondicherry.
3. The Indira Gandhi Medical College and Research Institute,
Rep. by its Chairman,
Kathirkamam,
Puducherry-605 009.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to declare the petitioner as 'pass' in the 3rd year "Otorhinolaryngology" subject, bearing Registration No.19770685, by applying new Competency Based Medical Education (CBME) guidelines No.U.14021/8/2023-UGMED, released by the 1st respondent dated 01.08.2023 in the light of the order passed



by this Court in W.P.No.28674 of 2023 dated 24.11.2023 and thereby, direct the respondents to permit the petitioner to writ the 4th year MBBS examination, commencing from February, 2024 or subsequent dates thereafter, in the 3rd respondent college.

For Petitioner : Mr.N.Murali Kumaran, Senior Counsel
For Mr.S.N.Ravichandran

For R1 : Ms.Shubaranjani Ananth
For R2 : Ms.A.V.Bharathi
For R3 : Mr.S.Raveekumar,
Govt. Pleader (Puducherry)

COMMON ORDER

(By D.Krishnakumar,J.)

This Writ Petition has been filed for a direction to the respondents to declare the petitioner as 'pass' in the 3rd year “Otorhinolaryngology” subject, bearing Registration No.19770685, by applying new Competency Based Medical Education (CBME) guidelines No.U.14021/8/2023-UGMED, released by the 1st respondent dated 01.08.2023 in the light of the order passed by this Court in W.P.No.28674 of 2023 dated 24.11.2023 and thereby, direct the respondents to permit the petitioner to writ the 4th year MBBS examination, commencing from February, 2024 or subsequent dates thereafter, in the 3rd respondent college.



2. Since the issue involved in all these Writ Petitions is one and the same, they are taken up together for combined disposal. The details of petitioners in other connected Writ Petitions, viz., W.P.Nos.1267, 1270, 1273, 3035 and 4067 of 2024 are tabulated below:

W.P.No.	Name of the Petitioner/s	Regn. No.	Year & subjects to declare pass
1267/2024	V.L.Alan Riat	19770608	3 rd Year Otorhinolaryngology
1270/2024	A.Sheik Shafeek Ali	19770749	2 nd Year Pathology, Microbiology and Pharmacology
1273/2024	Subaash Saravanan	19770763	2 nd Year Pathology, Microbiology and Pharmacology
3035/2024	Sharon Valsaraj	19770748	3 rd Year Community Medicine
	Aparna Charoth	19770614	3 rd Year Otorhinolaryngology
	E.Janeshwara	19770668	3 rd Year Otorhinolaryngology and Forensic Medicine
	M.Mohamed Ashif	19770706	3 rd Year Otorhinolaryngology and Ophthalmology
	V.Amina Zara	19770609	3 rd Year Otorhinolaryngology and Ophthalmology
4067/2024	B.Ramkumar	20770502	2 nd Year Pharmacology and Pathology
	S.Gokul	20770437	2 nd Year Pathology

3. Learned Senior Counsel for the petitioners submitted that The National Medical Commission (NMC) issued guidelines bearing No.U.14021/8/2023-UGMED dated 01.08.2023, as per which, the minimum criteria for getting qualified is 50% of marks in aggregate, i.e., both theory and practical and all these petitioners appeared for examination subsequent to the aforesaid guidelines issued by the NMC and therefore,



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petitioners.

the same are applicable to the petitioners. He further submitted that the University, by taking into consideration the aforesaid guidelines, has to issue mark sheets to the petitioners.

4. Learned Standing Counsel appearing for The National Medical Commission (NMC), on instructions from the Officials of NMC, fairly stated before this Court that all these Writ Petitioners are entitled to be declared as pass as per the guidelines issued by the NMC dated 01.08.2023. She also placed on record the judgment of the Kerala High Court rendered in respect of candidates, who had appeared for the examination subsequent to the New Guidelines framed by the NMC and stated that the same has been applied by the respondent University.

5. In view of the fair submission made by the learned Standing Counsel appearing for NMC, we have no hesitation to hold that all the petitioners are entitled to get the benefit of New Guidelines dated 01.08.2023 issued by the NMC. Accordingly, ***all these Writ Petitions are disposed of***, with a direction to the Pondicherry University / R2 herein to release the mark sheets in respect of the Writ Petitioners herein by applying New Competency Based Medical Education guidelines dated 01.08.2023, within a period of two weeks from today. No costs. Consequently, connected Miscellaneous Petitions are closed.



W.P.Nos.1262, 1267, 1270, 1273, 3035 and

[D.K.K., J.,]

[P.B.B.,J.,]

15.10.2024

Index: Yes / No

Internet: Yes / No

Speaking Order/Non Speaking Order
ar

To:

1. The Chairman,
National Medical Commission,
Pocket-14, Sector-8, Dwarka Phase-1,
New Delhi-110 077.
2. The Controller of Examinations,
Pondicherry University,
Pondicherry.
3. The Chairman,
Indira Gandhi Medical College and Research Institute,
Kathirkamam,
Puducherry-605 009.

D.KRISHNAKUMAR,J.,
AND
P.B.BALAJI,J.,



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