



WEB COPY

W.P.Nos. 1914 & 1917 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.07.2024

CORAM :

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P.Nos. 1914 & 1917 of 2024
and W.M.P.Nos. 2016, 2019, 2021 & 2022 of 2024

Jismon Leo

.. Petitioner
in WP 1914/24

Revandth L.V

.. Petitioner
in WP 1917/24

vs

1.The Secretary,
National Medical Commission,
Pocket-14, Sector-8, Dwarka Phase I,
New Delhi – 110 077

2.The Regsitrar,
Tamil Nadu Dr.MGR Medical University,
69, Anna Salai,
Guindy, Chennai – 600 032.

3.The Dean,
Madha Medical College & Research Institute,
Kundrathur Main Road, Kovur,
Chennai – 600 128.

.. Respondents
in both WPs

Prayer in W.P.No.1914 of 2024 Petition filed under Article 226 of the Constitution of India praying to issue a writ of certiorarified mandamus calling for the records relating to the impugned communication dated 22.12.2023 issued by the 1st respondent and the consequential letter dated 26.12.2023 Ref.RC.Lr.No.EX1(7)29823/2023 issued by the 2nd Respondent and quash the same and consequently direct the respondents to conduct additional classes to the petitioner having Regn. No. 520022506562 for the subjects Human Anatomy and Biochemistry of 1st Year MBBS Course and also conduct additional supplementary examinations for the said subjects to enable the petitioner to have an opportunity to join the main stream of 2nd Year MBBS Course in the current academic year 2024-2025 along with the existing main batch within a time limit to be fixed by this Court.



W.P.Nos. 1914 & 1917 of 2024

Prayer in W.P.No.1917 of 2024 Petition filed under Article 226 of the Constitution of India praying to issue a writ of certiorarified mandamus calling for the records relating to the impugned communication dated 22.12.2023 issued by the 1st respondent and the consequential letter dated 26.12.2023 Ref.RC.Lr.No. EX1(7)29823/2023 issued by the 2nd Respondent and quash the same and consequently direct the respondents to conduct additional classes to the petitioner having Regn. No. 520022506613 for the subjects Human Anatomy of 1st Year MBBS Course and also conduct additional supplementary examinations for the said subjects to enable the petitioner to have an opportunity to join the main stream of 2nd Year MBBS Course in the current academic year 2024-2025 along with the existing main batch within a time limit to be fixed by this Honble Court.

For Petitioner : Mr.S.Thanka Sivan
(in both WPs)
For Respondents : Mr.Prince Pan
for Ms.Shubaranjani Ananth for R1
Mr.G.Arumugam,
Standing Counsel for R2
No appearance for R3
(in both WPs)

COMMON ORDER

Read this order in continuation of and in conjunction with order dated 22.07.2024 reading thus:-

"Despite a last chance having been granted on 11.06.2024 and costs being imposed on 08.07.2024, none of the respondents have filed counter till date. Hence, the costs are enhanced to Rs.10,000/- per counter payable to Cancer Institute, Adyar, Chennai-600 020 accompanied by the counters which will be filed prior to the next date of hearing.

2.According to the petitioner, he has 88% of attendance which is more than sufficient for eligibility to write the regular examinations schedule to be held in August, 2024 and has paid the fees. The description of R3 is printed, but there is no appearance.

3.Hence, list on 26.07.2024. Counters with enhanced costs by then with the copies served in advance upon the other side. Such costs will be remitted whether are not counters are filed."



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2. Counter of R2 is received with memo of costs. Neither is counter of R1 available nor have costs been remitted, despite enhancement. Cost is hence further enhanced to Rs.15,000/- payable to Cancer Institute, Adyar, Chennai – 600 020 forthwith, and not later than a day from today.

3. Mr.S.Thanka Sivan, learned counsel, appearing for petitioner states that there have been certain developments that have taken place in the interim. The petitioners have been permitted to sit for the regular examinations for the first year, which commenced today. Hence, the prayer of the petitioners stands achieved.

4. In addition, learned counsel for petitioners would request that the petitioners must be permitted to continue the course along with their batch mates. However, in light of the admitted position that the classes for the second year have already commenced, it would not be possible to accede to this request at this juncture, since the petitioners have admittedly not attended classes from February, 2024 till date. They are at liberty to approach the respondents seeking some relief in this matter which may be considered in accordance with law.

5. With this and as nothing further survives in these writ petitions, the same are closed. No costs. Connected miscellaneous petitions are closed.

29.07.2024

Index:Yes/No
Neutral Citation:Yes
ssm



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