



WEB COPY



W.P.Nos.27527 & 27530 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.09.2024

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.Nos.27527 & 27530 of 2024

and

W.M.P.Nos.30046 & 30047 of 2024

R.Rithika

... Petitioner in
W.P.No.27527 of 2024

E.Vageesh

... Petitioner
in W.P.No.27530 of 2024

Vs.

- 1.National Medical Commission,
Rep. by its Chairman,
Pocket – 14, Sector – 8, Dwarka Phase – 1,
New Delhi – 110 077.
- 2.The Tamil Nadu Dr. M.G.R. Medical University,
Rep. by its Registrar,
Guindy,
Chennai.
- 3.The Tamil Nadu Dr. M.G.R. Medical University,
Rep. by its Controller of Examination,
Guindy,
Chennai.
- 4.Dhanalakshmi Srinivasan Medical College & Hospital,
Rep. by its Chairman,
Siruvachur,
Perambalur – 621 113.

... Respondents



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Prayer in both W.P.s: Writ Petitions filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to forthwith permit the petitioners to appear for the 5th time to write the Bio-chemistry paper of the 1st year MBBS Course in the 4th Respondent College, in the ensuing non-semester examination of 2024.

For Petitioner : Mr.K.Selvaraj
(in both W.Ps)

For Respondents : Mrs.Shubharanjani Ananth
(in both W.Ps) Standing Counsel [R1]
Mr.E.Sundaram
Government Advocate [R2 & R3]

COMMON ORDER

These Writ Petitions have been filed seeking for a Writ of Mandamus, to direct the respondents to forthwith permit the petitioners to appear for the 5th time to write the Bio-chemistry paper of the 1st year MBBS Course in the 4th Respondent College, in the ensuing non-semester examination of 2024.

2. Mrs.Shubharanjani Ananth, learned Standing Counsel, accepts notice on behalf of the 1st respondent and Mr.E.Sundaram, learned Government Advocate, accepts notice on behalf of the respondents 2 and
3. In view of the consent expressed by the learned counsel appearing for



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the parties, these writ petitions are taken up for final disposal at the stage of admission itself.

3. The case of the petitioners is that, during the year 2021 – 2022, they were given admission in the 4th respondent college under the management quota to undergo Bachelor of Medicine and Bachelor of Surgery (MBBS). Though the petitioners were admitted in the academic year 2021 – 2022, the academic session started only on 08.04.2022, whereas, the other private colleges have started the academic session on 11.02.2022 itself and the 1st semester examinations were conducted in the month of January, 2023, without completing the minimum duration of 12 months in the 1st year. Since sufficient time was not given, the petitioners could not pass 3 papers in the 1st year examination. Thereafter, the 4th attempt exam was scheduled in January 2024 and in the 4th attempt also, the petitioners were not able to clear the respective papers. Unless the petitioners are given a chance to write another attempt, which is to be scheduled within 20 days, they cannot write the 5th attempt, since only 4 attempts are allowed as per the regulations of the National Medical Commission's Graduate Medical Education Regulations, 2023. In fact, the 1st respondent vide order dated 11.12.2023 has permitted 6 MBBS



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students of 2020 – 2021 Batch in the State of Tamil Nadu to appear for the 5th time for the mercy examination as a one-time measure and they have also been permitted by the 2nd respondent university to write the 5th attempt in their 1st year exam. Therefore, the respondents 1 and 2 have already permitted the said students to write 5 the attempt for any justified reasons. Thereby, the petitioners made representation on 02.09.2024 and 05.09.2024 respectively to the respondents 1 to 3 requesting them to permit the petitioners to write the 5th attempt in only one paper viz., Bio-chemistry. Since the same was not considered by the respondents 1 to 3, the petitioners have filed the above writ petitions before this court for appropriate orders.

4. Though very many grounds have been raised in these writ petitions, learned counsel for the petitioners submits that, it would suffice, if this Court issues a direction to the respondents to consider the representations of the petitioners dated 02.09.2024 and 05.09.2024 respectively and permit them to appear for the 5th time to write the Bio-chemistry paper of the 1st year MBBS Course in the 4th respondent college in the ensuing non-semester examination, 2024, within a time frame that may be fixed by this Court.



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5. Considering the limited request made by the learned counsel for the petitioners, this court, without going into the merits of the case, directs the respondents to consider the representations of the petitioners dated 02.09.2024 and 05.09.2024 respectively and pass appropriate orders, on merits and in accordance with law, within a period of two weeks from the date of receipt of a copy of this order.

6. With the above direction, these Writ Petitions are disposed of. No costs. Consequently, the connected miscellaneous petitions are closed.

13.09.2024

Index : Yes / No
Speaking order / Non-speaking order
Neutral Citation Case : Yes / No
sp

Note: Issue order copy on 13.09.2024.

To

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

2.The Registrar,
Tamil Nadu Dr. M.G.R. Medical University,
Guindy, Chennai.



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M.DHANDAPANI, J.

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3.The Controller of Examination,
Tamil Nadu Dr. M.G.R. Medical University,
Guindy,
Chennai.

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