



WEB COPY



W.P.No.27559 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.09.2024

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.No.27559 of 2024
and
W.M.P.No.30075 of 2024

Prem Kumar

... Petitioner

Vs.

- 1.The Union of India,
Represented by its Secretary,
Ministry of Health & Family Welfare,
Room No.348, 'A' Wing,
Nirman Bhavan,
New Delhi – 110 011.
- 2.The National Medical Commission,
Rep. by its Secretary,
Pocket – 14, Sector – 8,
Dwarka, Phase – 1,
New Delhi – 110 077.
- 3.The Director,
National Medical Commission,
Under Graduate Medical Education Board,
Pocket – 14, Sector – 8,
Dwarka, Phase – 1,
New Delhi – 110 077.
- 4.The Director of Medical Education,
Directorate of Medical Education,
162, Poonamalle High Road,
Kilpauk, Chennai – 600 010.



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5.The Registrar,
Tamil Nadu Dr.M.G.R.Medical University,
Maduravoyil,
Chennai – 600 032.

6.The Dean,
Sri Muthukumaran Medical College Hospital & Research Institute,
Chennai – 600 069. ... Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India
pleased to issue a Writ of Mandamus, directing the respondents to grant
one additional attempt (5th attempt) to the petitioner to take the MBBS
arrear paper Human anatomy either on the Supplementary exam to be
conducted on 18.09.2024 or on any other future date, and take the results
thereof based on the representation of the petitioner dated 05.07.2024.

For Petitioner : Mr.Godson Swaminathan
for M/s.Isaac Chambers

For Respondents : Mr.A.Prakash
ACGSC [R1]
Mrs.Shubharanjani Ananth
Standing Counsel [R2 & R3]
Mr.E.Sundaram
Government Advocate [R4]
Mr.Mohamed Gouse [R5]

ORDER

This Writ Petition has been filed seeking for a Writ of
Mandamus, to direct the respondents to grant one additional attempt (5th
attempt) to the petitioner to take the MBBS arrear paper Human anatomy



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either on the Supplementary exam to be conducted on 18.09.2024 or on any other future date, and take the results thereof based on the representation of the petitioner dated 05.07.2024.

2. Mr.A.Prakash, learned ACGSC, accepts notice on behalf of the 1st respondent, Mrs.Shubharanjani Ananth, learned Standing Counsel, accepts notice on behalf of the respondents 2 and 3, Mr.E.Sundaram, learned Government Advocate, accepts notice on behalf of the 4th respondent and Mr.Mohamed Gouse, learned counsel, accepts notice on behalf of the 5th respondent. In view of the consent expressed by the learned counsel for the parties, this writ petition is taken up for final disposal at the stage of admission itself.

3. Since no adverse order has been passed against the 6th respondent, notice to the 6th respondent is dispensed with.

4. The case of the petitioner is that, after completing the Higher Secondary Course, he appeared in the National Eligibility cum Entrance Test (NEET) 2021 conducted on 12.09.2021 by the National Testing Agency (NTA) under the OBC-NCL (Central list) and the result was



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declared on 01.11.2021, in which, he scored 338 out of 720 in the NEET.

Thereafter, on 31.03.2022, allotment order was issued by the 4th respondent directing the petitioner to report before the 6th respondent college on or before 02.04.2022, pursuant to which, he reported in the college on 01.04.2022 during the academic year 2021 – 2022. In the first attempt, the petitioner failed in all the three subjects and he took the 2nd attempt of the exam in the month of March, 2023, in which, he passed in one subject, namely Physiology, however, failed in other two subjects, namely Human Anatomy and Bio-Chemistry. On 12.05.2023, the 2nd respondent issued a circular in No.C.20011/122/2023-NMC/Coord allowing one additional attempt (5th attempt) to such MBBS students who were admitted in medical colleges during the academic year 2019 – 2020 and could not pass their first professional examination. Thereafter, he took his 3rd attempt for the failed papers in the month of November, 2023, in which, he passed in Bio-Chemistry, however, once again failed in Human Anatomy. In the month of January, 2024, he took his 4th attempt and in which, he again failed in Human Anatomy due to difference of 1% i.e., he got an average of 39% in theory instead of 40%, even though he got 67 marks in practical out of the minimum requirement of 40. Thereafter, once again, the 2nd respondent/NMC issued another public



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notice in No.U.13021/01/2023/UGMEB dated 11.12.2023 stating that the NMC has decided to allow one additional attempt (5th attempt) to such MBBS students who were admitted in medical colleges during the academic years 2020 – 2021 and could not pass their first professional MBBS examination as this batch was also affected by Covid-19 pandemic situation. Due to an additional attempt (5th attempt) not being granted to the 2021 – 2022 batch despite being on the same pedestal as the 2020 – 2021 batch, the petitioner was prohibited from writing the exam again. Hence, he made several representations dated 11.03.2024 and 05.07.2024 to the 2nd respondent requesting to grant a mercy attempt to write exam considering his future. Since the same was not considered, the petitioner has filed this Writ Petition before this court for appropriate orders.

5. Though very many grounds have been raised in this writ petition, learned counsel for the petitioner submits that, it would suffice, if this Court issues a direction to the 2nd respondent to consider the petitioner's representation, dated 05.07.2024 and pass appropriate orders, within a time frame that may be stipulated by this court.



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6. Considering the limited request made by the learned counsel for the petitioner, this court, without going into the merits of the case, directs the 2nd respondent to consider the petitioner's representation dated 05.07.2024 on merits and in accordance with law and pass appropriate orders, within a period of two (2) weeks from the date of receipt of a copy of this order.

7. With the above direction, this writ petition is disposed of. No costs. Consequently, the connected writ miscellaneous petition is closed.

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Index : Yes / No
Speaking order / Non-speaking order
NCC:Yes/No
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M.DHANDAPANI, J.

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