



W.P.No.31127 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.07.2024

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CORAM :

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P.No.31127 of 2023 and
W.M.P.Nos. 30758 & 30759 of 2023

Evariste Albert Firmin

.. Petitioner

VS

1.The National Medical Council of India
Satarkta Bhavan, GPO Complex,
Block A, INA,
New Delhi – 110 023.

2.The Assistant Registrar,
Pondicherry University, Pondicherry.

3.The Dean
Pondicherry Institute of Medical Sciences (PIMS)
Medical College, Ganapathichettikulam,
Kalapet, Puducherry – 605 014.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of certiorarified mandamus to call for the records relating to the impugned order of the 2nd respondent in Ref No.PU/Med/MBBS/E5/2023/1456 dated 19.10.2023 and quash the same and to direct the 2nd respondent to permit the petitioner to rewrite the exams (Registration No.207700040) of the failed subjects of the 1st year MBBS course scheduled to be held on 16.11.2023.

For Petitioner : Mr.M.Mohanraj



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For Respondents : Ms.Shubaranjani Ananth (for R1)
Mr.Raj Sharath P.
for Mr.V.Balamurugan (for R2)
Ms.Subadra Madhavan (for R3)
for M/s.Abishek Jenasenan

ORDER

The petitioner challenges an order passed by the Assistant Registrar (Medical), Pondicherry University rejecting his request for granting an extra attempt to appear for the first year MBBS examination. The rejections are on the ground that the University MBBS regulations, specifically Clause 7.6 of Chapter IV, provides for a maximum of four attempts for each examination and the petitioner has already exhausted four attempts. Hence, the question giving one more attempt does not arise.

2.Mr.Raj Sharath.P, learned counsel appearing on behalf of Mr.V.Balamurgan, learned counsel for R2 would fairly draw attention to a public notice issued by the National Medical Commission (Under Graduate Medical Education Board) dated 11.12.2023 granting one additional attempt as a 5th attempt to first year MBBS students, who are admitted in Medical Colleges during academic year 2020-21 as that batch had been affected by the rigour of the Covid pandemic.

3.Learned counsel for R1 makes it clear that it is an interim



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measure and should not be treated as a precedent. Pursuant to the public notice, R2 has also issued a Notification extending the benefit of the lines proposed by R1 and the petitioner stated to have availed the same, albeit unsuccessful. My colleague in Madurai has, in WP(MD)No.4534 of 2024 (decision dated 05.04.2024 in *S.U.Subhasrii v. The Secretary, National Medical Commission and others*) arrived at the same conclusion relying on an order of the Delhi High Court in W.P.C.No.13180 of 2022 (*Sachin & Others Vs Union of India & Others*).

4.In such circumstances and since Regulation 7(3) of 1997 regulations is categorical that a candidate shall be granted only 'not more than four chances' which the petitioner has availed in addition to one more special attempt, there is no merit in the writ petition and the same is dismissed. No costs. Connected miscellaneous petitions are closed.

18.07.2024

Index:Yes/No
Speaking Order
Neutral Citation:Yes
vs

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