



W.P.No.28402 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.10.2024

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

**W.P.No.31531 of 2024 and
W.M.P.Nos.34274 and 34275 of 2024**

1. S.Kishore Kumar
2. Somkuwar Manasi Manish
3. Nischal Kewate
4. Patel Marmik Vipul
5. Manthan Shivajirao Pawar
6. Boomika R
7. Kaiser Konwar
8. Nishant Deka
9. Mohale Adithya
10. Tannu Chhilar
11. Riya Yawale
12. Alok Kumar
13. Kale Vipul Ramdev
14. G.K.Kishore Bala

... Petitioners

Vs.

1. The National Medical Commission,
Represented by its Secretary,
Pocket -14, Sector 8,
Dwarka Phase - I,
New Delhi - 110 077.
2. The State of Tamil Nadu,
Represented by its Principal Secretary to Government,
Health and Family Welfare Department,



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Secretariat, Fort St.George,
Chennai - 600 009.

3. The Director of Medical Education and Research,
Kilpauk,
Chennai - 600 010.
4. The Registrar,
Sri Balaji Vidyapeeth, Puducherry
(Deemed to be University),
Pillayarkuppam,
Puducherry - 607 402.
5. The Dean,
Shri Sathya Sai Medical College and Research Institute,
A Unit of Sri Balaji Vidyapeeth, Puducherry
(Deemed to be University),
Thiruporur to Guduvancherry Road,
Ammapettai Village,
Nellikuppam Post,
Chengalpattu District - 603 108.
6. The Controller of Examinations,
Shri Sathya Sai Medical College and Research Institute,
A Unit of Sri Balaji Vidyapeeth, Puducherry
(Deemed to be University),
Thiruporur to Guduvancherry Road,
Ammapettai Village,
Nellikuppam Post,
Chengalpattu District - 603 108.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India
praying for issuance of Writ of Mandamus, to direct the respondents to pass



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appropriate orders permitting the petitioners to undergo second year MBBS Course in the regular 2022-23 batch in the current session in consideration of declaration of pass by the petitioners in the Supplementary Examination conducted in August 2024, on par with other similarly placed persons, with all consequential and other attendant benefits, including permission to attend the special classes to be conducted, in consideration of representation submitted by the petitioners.

For Petitioners : Mr.G.Dilip Kumar
For Respondents : Mr.E.Sundaram
Government Advocate for R2 & R3
Mrs.Shubaranjani Ananth for R1

O R D E R

This petition has been filed seeking a direction to the respondents to pass orders permitting the petitioners to undergo second year MBBS Course in the regular 2022-23 batch in the current session in consideration of declaration of pass by the petitioners in the supplementary examination conducted in August 2024, on par with other similarly placed persons, with all consequential and other attendant benefits, including permission to attend the special classes to be conducted.



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2. The case of the petitioners is that the petitioners have been admitted to MBBS Course in fifth respondent College in the academic year 2022-23 and they have written the first year examination conducted in November 2023, whereas out of 201 candidates, 60 candidates alone declared pass and remaining 141 candidates have been declared as fail including the petitioners. Subsequently, for the supplementary examination conducted on 12.02.2024, results were published on 20.02.2024, wherein 60 candidates alone were declared as passed. The respondents 4 and 5 conducted the first year MBBS main examination based on NMC Regulations, 2019 and in respect of supplementary examination, they adopted CBME Curriculum as per guidelines of NMC dated 01.08.2023 and declared results following NMC Regulations, 2023. However, the petitioners declared pass for first year subjects through second supplementary examination conducted in August 2024 in view of discrepancy occurred due to adoption of curriculum and method of evaluation for the first year examination conducted in November 2023 and the supplementary examination conducted in February 2024. Consequent to declaration of pass



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in the first year examination, the petitioners have not been permitted to join the regular second year batch along with similarly placed students who cleared first year examination in the second supplementary examination in August 2024. Hence, the present writ petition has been filed.

3. Pursuant to the interim order passed by the Hon'ble First Bench of this Court in W.A.No.333 of 2024, this Court, on 24.09.2024 directed the respondents to allow the petitioners / students to attend the second year classes.

4. When the matter is taken up for hearing today, the learned Senior Counsel appearing for the petitioners submitted that the issue that arises for consideration has been dealt with by this Court in W.A.No.333 of 2024 and hence, this Court may dispose of the present writ petition.

5. The learned counsel appearing for the respondents also did not



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dispute the said fact.

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6. In view of the same, this Writ Petition is closed and the petitioners are entitled to attend the regular classes / special classes and also are entitled to write the supplementary examinations and other special examinations along with the other similarly placed students, however, its result thereof would be subject to the result of W.A.No.333 of 2024 etc., batch pending before the Division Bench of this Court. No costs. Consequently, connected miscellaneous petitions are closed.

22.10.2024

NCC: Yes / No

Index : Yes / No

Speaking Order : Yes / No

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Note: Issue order copy by 28.10.2024.

To

1. The Secretary,

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

2. The State of Tamil Nadu,
Health and Family Welfare Department,
Secretariat, Fort St.George, Chennai - 600 009.
3. The Director of Medical Education and Research,
Kilpauk, Chennai - 600 010.
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M.DHANDAPANI,J.

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