



W.P.No.33171 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.12.2024

CORAM:

THE HONOURABLE MR. JUSTICE VIVEK KUMAR SINGH

W.P.No.33171 of 2023
and W.M.P.No.32867 of 2023

Dr.M.Sujith

.. Petitioner

vs.

1. The Government of India,
Rep.by its Under Secretary,
Ministry of Health and Family Welfare,
Nirman Bhawan,
New Delhi 110 001.
2. The National Medical Commission,
Rep.by its Secretary,
Pocket-14, Sector-8,
Dwarka Phase-1,
New Delhi 110 077.
3. The Government of Puducherry,
Rep.by its Under Secretary to Government (Health),
Chief Secretariat,
Puducherry.



W.P.No.33171 of 2023

4. The Assistant Registrar (Medical),

Pondicherry University,

R.V.Nagar, Kalapet,

Puducherry-14,

5. The Controller of Examinations,

Pondicherry University,

Pondicherry.

6. The Pondicherry Institute of Medical Sciences,

Rep.by its Registrar,

Kalapet, Puducherry 605 014.

.. .Respondents

Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of Certiorarified Mandamus calling for the records relating to the order of the 4th respondent dated 15.9.2023 in No.Pu/Med/BAMS/E4/2023 and quash the same and direct the respondents 4 to 6 to permit the petitioner to register and sit for the examination scheduled to be conducted on 12.12.2023 in respect of MD (General Medicine) in the 6th respondent institution.

For Petitioner : M/s.S.Meenakshi

For R1 : Mr.B.Sudhir Kumar

Senior Panel Counsel

For R2 : Ms.Shubaranjani Ananth

Standing Counsel

For R4 & R5 : Ms.A.V.Bharathi



W.P.No.33171 of 2023

For R6 : Mr.Abishek Jenasenam
For R3 : Mr.J.Kumaran
Addl.Govt.Pleader (Puducherry)

ORDER

The present writ petition has been filed challenging the impugned order passed by the fourth respondent dated 15.09.2023 and for a consequential direction to the 1st respondent to permit the petitioner to register and sit for examination scheduled to be conducted on 12.12.2023 in respect of MD (General Medicine) in the 6th respondent institution.

2. Heard the learned counsel on either side and also perused the entire materials available on record.

3. The learned counsel for the petitioner submitted that the petitioner has been admitted in the Post-Graduate Medical Education Course in the sixth respondent institution during the academic year 2017-18. During the Academic Year 2017-18, the second respondent conducted the NEET Examination for selection of students into the Post-Graduate Medical Course and he participated in the same and secured the qualifying marks.



W.P.No.33171 of 2023

Thereafter, the second respondent amended Post-Graduate Medical Education Regulations 2000 vide notification dated 10.03.2017 and introduced regulation 9A which provided for common counselling for admission of students into the Post-Graduate Medical Courses. As per Regulations 9 and 9A, the third respondent Government of Puducherry appointed Centralised Admission Committee (CENTAC) as the authority to conduct the common counselling for admission of students into the PG Medical Courses offered by the institutions that are situated in the Union Territory of Puducherry. Pursuant to the same, the petitioner along with several other candidates applied to the CENTAC for admission into the PG Medical Course as he had secured above minimum marks prescribed in the 2000 regulations. Thereafter, various counselling sessions were conducted by the CENTAC and students were allotted to be admitted in the medical institutions offering PG courses within the Union Territory of Puducherry. Subsequently, the CENTAC conducted a mop-up counselling session on 29.05.2017 during which the petitioner also participated and he was allotted a seat into the other institution. Thereafter, CENTAC issued a public announcement on 30.05.2017 stating that any eligible NEET candidate can attend the counselling to be held on 31.05.2017. Thereafter, the petitioner participated in the counselling conducted by the CENTAC on the said date.



W.P.No.33171 of 2023

WEB COPY

4. The learned counsel further submitted that the second respondent has passed an order dated 24.07.2017 only on the ground that the name of the petitioner does not find place in the list forwarded by CENTAC. The order passed by the second respondent on 21.12.2017, after a lapse of more than 5 months rejecting the explanation submitted by the sixth respondent institution and reiterating the earlier order dated 24.07.2017 directing the discharge of the petitioner and also other candidates. Pursuant to the same, the third respondent had also issued a consequential order dated 02.01.2018, directing the discharge of the petitioner including other students. Aggrieved by the said order passed by the second respondent and the consequential order dated 02.01.2018 of the third respondent, the petitioner and other similarly placed persons had filed W.P.No.1287 of 2018 before this Court and the same was dismissed. Against which, the petitioner filed W.P.No.702 of 2021 before the Hon'ble Division Bench of this Court. Subsequently, the petitioner filed an application in CMP.No.7774/2021 in W.A.No.702 of 2021 to permit the petitioner to write the exams which were scheduled on 01.12.2021. Pursuant to the same, the petitioner was permitted to appear for the exam in December 2021, June 2022 and December 2022 and in July 2023. The petitioner had secured 198/200 in theory papers and as such the petitioner was declared failed in one subject. In



W.P.No.33171 of 2023

the meantime, W.A.No.796 filed by the institution and the same was allowed by an order dated 29.07.2021 directing the payment of compensation to the students, who had been denied admission and directing the release of certificates of the petitioner and other students, who were allegedly admitted irregularly. In view of the said order in W.A.No.796 of 2021, the appeal filed by the petitioner in W.A.No.702 of 2011 became infructuous and closed the appeal dated 07.08.2023.

5. The learned counsel further submitted that the petitioner is not able to graduate in view of the fact that he was declared fail in the theory paper. Thereafter, the petitioner attempted to write his next examination which was scheduled on 12.12.2023. However, in view of the impugned order passed by the 4th respondent dated 15.09.2023 stating that the request of the petitioner for award of grace marks for the examination held during July 2023 is not feasible as there is no such provision in the existing M.D/M.S regulations and as per University norms since he has already exhausted the maximum period of six years prescribed for the completion of the M.D.Course. Hence, the petitioner has come forward with the present writ petition.



W.P.No.33171 of 2023

WEB COPY

6. The learned Additional Government Pleader appearing for the respondents submitted that the fourth respondent vide letter dated 15.09.2023 informed the petitioner as well as the 6th respondent college that request for Re-totalling/Re-valuation of theory papers and award of grace marks for the examination held during July 2023 session is not feasible as there is no such provision in the existing MD/MS Regulations. The 4th respondent has also informed the petitioner that it is not feasible to grant any extra chance/last chance to the petitioner, as per the University norms prescribes only 6 years for the completion of the MD Course and the petitioner has exhausted the maximum period of course completion. Hence, he prayed to dismiss the writ petition.

7. In view of the submissions made by the learned counsels for the parties and also taking note of the fact that the prayer of the petitioner has become infructuous which cannot be entertained by this Court at this stage, the present petition lacks merit and is liable to be dismissed.



W.P.No.33171 of 2023

WEB COPY

8. Accordingly, this writ petition is dismissed No costs. Consequently, connected miscellaneous petitions are closed.

20.12.2024

Index : Yes/No

Internet : Yes/No

Speaking : Non Speaking Order

Neutral Citation : Yes/No

kcd

To

1. The Under Secretary,
Ministry of Health and Family Welfare,
Nirman Bhawan,
New Delhi 110 001.
2. The Secretary,
National Medical Commission,
Pocket-14, Sector-8,
Dwarka Phase-1,
New Delhi 110 077.
3. The Under Secretary to Government (Health),
Chief Secretariat,
Puducherry.



WEB COPY



W.P.No.33171 of 2023

4. The Assistant Registrar (Medical),
Pondicherry University,
R.V.Nagar, Kalapet,
Puducherry-14,
5. The Controller of Examinations,
Pondicherry University,
Pondicherry.
6. The Registrar,
Pondicherry Institute of Medical Sciences,
Kalapet, Puducherry 605 014.



WEB COPY



W.P.No.33171 of 2023

VIVEK KUMAR SINGH, J.

kkd

W.P.No.33171 of 2023

20.12.2024