



W.P.No.5323 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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Dated: 26.03.2025

Coram:

THE HONOURABLE MRS.JUSTICE N.MALA

W.P.No.5323 of 2025

and

WMP.No.5898 of 2025

1.S.Sridharan
2.S.Padmanabbhan

... Petitioner

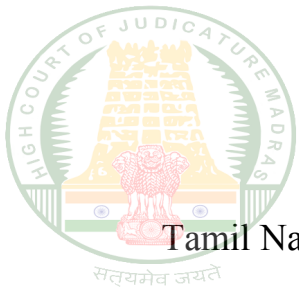
Vs.

1. National Commission For Indian System of Medicine,
Represented by its Chairman,
Plot No. T-19, 1st and 2nd Floor,
Block IV, Dhanwantari Bhawan,
Road No.66, Punjabi Bagh (West),
New Delhi-110 026.

2. The President,
Board of Ayurveda,
National Commission for Indian System of Medicine,
Plot No. T-19, 1st and 2nd Floor,
Block IV, Dhanwantari Bhawan,
Road No.66, Punjabi Bagh (West),
New Delhi-110 026.

3. The Vice-chancellor,
Sri Chandrasekharendra Saraswathi Viswa Mahavidyalaya,
Sri Jayendra Saraswati Street,
Enathur, Kanchipuram,

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Tamil Nadu-631 561.

4. Controller of Examinations,
Sri Chandrasekharendra Saraswathi Viswa Mahavidyalaya,
Sri Jayendra Saraswati Street,
Enathur, Kanchipuram,
Tamil Nadu-631 561.

5. The Principal,
Sri Jayendra Saraswathi Ayurveda College & Hospital,
Chennai-Bangalore Highway Nazarathpet,
Chennai-600 123.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the order of examination results issued by the 4th Respondent of the 2nd Petitioner Register Number : 131802029 dated 21.11.2024 and quash the same, and consequentially direct the 4th and 5th Respondent to declare the result as “PASS” in view of the guidelines vide Ref. No.BOA/Regulation/UG/10(3)/2022 dated 27.07.2022, framed for valuation issued by the 1st Respondent and dispose of the Petitioner's representation dated 28.01.2025.

For Petitioners : M/s.S.Haja Mohideen Gisthi

For Respondents : Mr.K.Vellayaraj
for M/s.V.K.Raj Law Chambers
for RR1 and 2
M/s.C.V.Shyam Sundar
for RR3 to 5 dated 28.02.2025



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ORDER

The father of the 2nd petitioner has filed the above writ petition for a writ of certiorarified mandamus to quash the examination result dated 21.11.2024 and for consequential direction to the 4th and 5th respondent to declare the result as “Pass” in view of the guidelines framed for valuation by the 1st respondent.

2. The 2nd petitioner joined the under graduation degree in Bachelor of Ayurvedic Medicine and Surgery in Sri Jeyendra Saraswathi Ayurveda College and Hospital in the year 2018. The 2nd petitioner attended and wrote his supplementary examination in the subject namely Shalya Tantra (General Surgery) bearing subject code AY 403 in September, 2024. The 2nd petitioner secured 28 marks in the Text-1, and was declared “fail” in the supplementary examination. The 1st petitioner sent representation to the respondents 3 and 5 on 12.01.2025, requesting them to furnish the marks scored by the 2nd petitioner in all the three evaluations. The 1st petitioner also submitted a representation to the respondents 3 to 5 on 28.01.2025, requesting them to declare the result as 'pass' in view of the guidelines passed by the 1st respondent. As the 1st petitioners representations were



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not considered, the petitioners have filed the above writ petition for the aforesaid

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3. The respondents 1 and 2 filed detail counter stating *inter alia*, that the guidelines regarding the double valuation system were notified in February, 2022 and subsequently the guidelines were issued regarding the same on 27.07.2022 for implementation. According to the respondents, as IMCC Regulations 2016, were silent on the valuation process of papers, the University was empowered to frame its own guidelines in respect of the same at its own discretion. The respondents further stated that, as the 2nd petitioner joined the B.A.M.S course in the year 2018-19, IMCC 2022 regulations were not applicable to the 2nd petitioner, as the said regulations were made effective from 2021-2022 batch. The respondents 1 and 2 therefore stated that the writ petition was devoid of merits and the same deserved to be dismissed.

4. The respondents 3 to 5 filed a detailed counter stating *inter alia*, that the 5th respondent college was governed by rules and regulations framed by National Commission for Indian System of Medicine (NCISM), its statutory regulatory



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authority. The respondents stated that in the absence of any guidelines for double

valuation of answer papers by the 1st respondent, all the Universities were left to frame their own regulations. The 3rd respondent framed its own rules/guidelines for B.A.M.S students who joined prior to 2021-2022. As per the said guidelines, for the students who joined prior to 2021-2022 batch, all papers were subjected to double valuation and when the difference between the two valuations exceeded 15%, they were to be placed before 3rd valuer and the marks awarded by the 3rd valuer were considered final. As several issues arose because of the double valuation system adopted by the various Universities, the issue was referred to the 1st respondent which finally issued guidelines vide letter dated 27.07.2022, applying the same for the students of 2021-2022 batch onwards. The respondent stated that the 5th respondent College and Hospital followed these guidelines from 2021-2022 onwards. The respondents after referring to the marks scored by the 2nd petitioner in all exams, submitted that the double valuation guidelines of the 1st respondent were applicable only to the University examinations of 2021-2022 batch, and as the 2nd petitioner belonged to 2018-2019 batch, the aforesaid rules were not applicable to the 2nd petitioner. The rules and regulations of the University at the relevant point of time were only applicable to the 2nd petitioner.

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The respondents submitted that as the difference in marks on double evaluation was more than 15%, the 2nd petitioner's answer sheets were referred to an external examiner, who awarded 28 marks and therefore as per the University rules/guidelines on double valuation dated 05.06.2024, the results were declared on the basis of the marks awarded by the 3rd examiner which were final. The respondents therefore submitted that there were no merits in the writ petition and same deserved to be dismissed.

5. The learned counsel for the petitioner submitted that, the valuation guidelines were framed by the 3rd respondent University only on 05.06.2024, and therefore the same were not applicable to the 2nd petitioner. The learned counsel for the petitioner further submitted that in the absence of any guidelines/regulations by either the 1st respondent or the 3rd respondent at the relevant time, the practise hitherto followed by the University of taking the average scores of double valuation as final marks ought to have been followed. The learned counsel therefore prayed that writ petition be allowed.

6. The respondents reiterated the contentions raised in the counter filed by



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them and submitted that the writ petition deserved no merits and hence was liable

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7. I have heard all the learned counsels and perused the materials available on record. With the consent of all the parties the main writ petition is taken up for final disposal.

8. The facts of the case are undisputed, the 2nd petitioner joined B.A.M.S course in the 5th respondent college in the year 2018. The 2nd petitioner in the month of September, 2024 wrote his supplementary examination in the subject namely, Shalya Tantra (General Surgery) bearing exam code AY 403. The 2nd petitioner results were declared on 21.11.2024, by the 4th respondent and the 2nd petitioner was declared 'fail', as he secured 28 marks in Text-1. Whereas, the petitioner's claim that in the absence of any guidelines by the 1st respondent or the 3rd respondent at the relevant point of time, (i.e) for batches prior to 2021-2022, the practise hitherto followed by the University of adopting the average of the scores in the double valuation ought to have been awarded to the 2nd petitioner, the 3rd respondent claims that in the absence of guidelines by the 1st respondent,

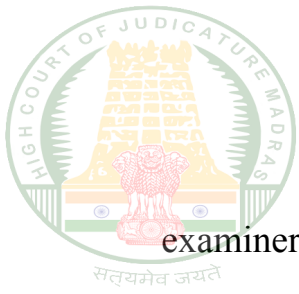
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the 3rd respondent's guidelines, which it framed on 05.06.2024 were applicable.

Under the said guideline, if the difference in total marks in the two valuations exceeded 15% of the total marks, the paper was to be referred for third evaluation (external examiner) and the marks awarded by the third examiner was to be considered as final. The 3rd respondent stated that there were no guidelines framed by the 1st respondent for the relevant period and it was only in the year 2022, that the guidelines were framed, making them effective from 2021-2022 batch and therefore, the double valuation method adopted by the 3rd respondent could not be faulted.

9. The core issue that arises for consideration is whether the valuation guidelines issued by the 3rd respondent on 05.06.2024, are applicable to the 2nd petitioner. While adopting the guidelines of NCISM dated 27.07.2022, for the batch 2021-2022 onwards, the 3rd respondent issued double valuation guidelines for the batches prior to 2021-2022. The 3rd respondent as regards the students who joined before Academic year 2021-2022, laid the guidelines to the effect that the double valuation of the answer sheets would be undertaken and if the difference of valuation exceeded 15% of the total marks, the same would be referred to a third



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examiner (external examiner) and the marks awarded by the third examiner would

be final. The respondents did not deny the contention of the petitioner that before

the University framed the guidelines on 05.06.2024, the practise followed for

double valuation by the University was to award the average marks of the double

valuation. Therefore as rightly contended by the petitioner's counsel, the

Universities guidelines dated 05.06.2024 could not be applied retrospectively to

the 2nd petitioner depriving him of the benefit of the practise hitherto followed of

taking the average marks of double evaluation. It is undisputed that if the average

of marks of double evaluation are adopted, then the 2nd petitioner would pass the

paper viz Shalya Tantra (General Surgery). Therefore, in my view, the respondents

could not have applied the valuation guidelines dated 05.06.2024, retrospectively

to the 2nd petitioner deviating from the practise hitherto followed which was more

advantageous to the petitioner. The 2nd petitioner belonged to 2018-2019 batch,

and in the absence of any regulations/guidelines by the 1st or 3rd respondents, the

guidelines/regulations issued by the 3rd respondent on 05.06.2024, could not be

applied to the petitioner retrospectively, depriving him of the benefit of taking the

average of the scores on double evaluation for the purpose of awarding marks,

which was the practice followed by the 3rd respondent University prior to



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05.06.2024. In my view therefore the regulations/guidelines of the 3rd respondent dated 05.06.2024 are not applicable to the petitioner and only the practise hitherto followed by the 3rd respondent of taking the average marks of the double evaluation alone would be applicable to the 2nd petitioner. I therefore find merit in the writ petition.

10. In the light of the above discussions, I am of the view that the result declared as 'fail' to the 2nd petitioner on the basis of the guidelines of the 3rd respondent dated 05.06.2024, cannot be sustained and therefore the same is quashed. A direction is issued to the 4th respondent to take the average of the marks obtained in the double valuation and declare the results of the 2nd petitioner as “Pass” and issue the marks certificate within a period of two (2) weeks from the date of receipt of a copy of this order.

Accordingly, this writ petition is allowed. However, there shall be no order as to costs. Consequently, connected WMP is closed.

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Index:Yes/No

Neutral Citation:Yes/No

Speaking order:Yes/No

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N.MALA,J.

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