



WEB COPY

WP No. 24526 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11-08-2025

CORAM

THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

WP No. 24526 of 2025

1. Mr.Harka Ram

S/o. Joita Ram,

Residing at, Jiwana Road,

Sangana, Jalor,

Rajasthan 343 022.

2.Prahalad Ram

S/o. Vaktha,

Residing at Govinda Gorkhede

Complex,

Hazaripahad, Seminary Hills,

Nakpur, Maharastra 440 006.

Petitioner(s)

Vs.

1. The Director of Medical Education

Government of Tamil Nadu,

DPI Complex, College Road,

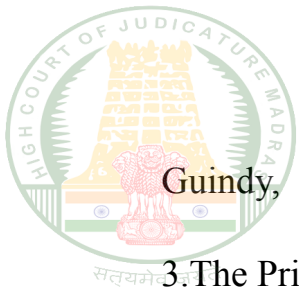
Chennai 600 006.

2.The Vice-Chancellor

Tamil Nadu Dr. M.G.R. Medical

University,

No.69, Anna Salai,



Guindy, Chennai 600 032.

3.The Principal

Kanyakumari Government,
Medical College,
Asaripallam, Tamil Nadu 629 201.

Respondent(s)

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the 2nd respondents to permit the petitioners one Mercy (fifth) attempt to appear for and clear the remaining subjects in their First Year MBBS Examinations.

For Petitioner(s): Ms.R.Abirami

For Respondent(s): Mr.K.Tippu Sultan,
Government Advocate For R1
and R3
M/s.A.Mohamed Gouse For R2

ORDER

The instant writ petition has been filed to direct the 2nd respondent to permit the petitioners for one more attempt to appear and clear the remaining subjects of the first year MBBS examination.

2. It is the contention of the petitioners that due to some misrepresentation and lack of clarity in counting the attempts, they were not able to



complete the first year subjects, within the maximum available four attempts.

He further submitted that because of the financial constraints and psychological stress, mis-representation, they missed to complete one subject within four attempts. It is also submitted that the petitioners have also made a representation on 03.06.2025 in this regard, however, the respondents have not taken any decision.

3. At this juncture, the learned Standing Counsel for the 2nd respondent submitted that according to the National Medical Commission (NMC) guidelines, the candidates must pass their examinations, within the maximum 4 attempts and the present petitioners did not pass the examination, within four attempts and hence they were discharged from the MBBS course vide order dated 06.02.2025. Therefore, it is the submission of the respondents that unless the discharge order is challenged, the petitioners cannot get any remedy before this Court. Apart from that, even to consider the petitioners' representation, NMC is to be a necessary party, as the respondents 1 to 3 have to act in accordance with the guideline and rules stipulated by NMC.



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4. The above said contention was reiterated by the learned Government Advocate appearing for the respondents 1 and 3.

5. Heard the learned counsel on both sides and perused the materials available on record.

6. The earnest submissions of the petitioners' counsel is that the petitioners seek one more mercy attempt to appear and clear the remaining subjects in their first year MBBS Examinations. However, the obstructions for such prayer is the NMC guideline. According to the NMC guideline, in any situation, who is pursuing MBBS degree has to clear the subjects within the maximum four attempts. In the case on hand, the petitioners have utilised four attempts, however, in all those four attempts, have failed to clear their examinations. Therefore, according to the NMC guidelines, the petitioners have already been discharged vide order dated 06.02.2025. In the present case, such order has not been challenged by the petitioners. Unless the said order



is challenged, the question of permitting the petitioners for availing 5th attempt,

does not arise. Apart from that, the learned counsel for the 2nd respondent has

rightly contended that NMC is not a party to consider the petitioners'

representation and also to challenge the discharge and relieving order dated

06.02.2025. Therefore, this Court does not find any merit in the writ petition.

Accordingly, the writ petition is dismissed. However, liberty is granted to the

petitioners to challenge the Discharge and Relieving Order dated 06.02.2025

passed against the petitioners in accordance with law. No costs.

11-08-2025

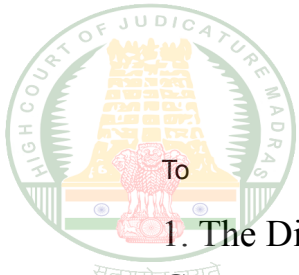
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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



To
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**WP No. 24526 of 2025
AND WMP NO. 27624
OF 2025**

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