



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18-07-2025

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**THE HONOURABLE MRS JUSTICE J. NISHA BANU
AND
THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN**

**W.A.No.37 of 2024
and CMP.Nos.233 and 235 of 2024**

Mohammad Ziauddin

.. Appellant

Vs.

1.The Director,
Jawaharlal Institute of Postgraduate Medical
Education and Research (JIPMER),
Pondicherry.

2.The Dean (Academics),
Jawaharlal Institute of Postgraduate Medical
Education and Research (JIPMER),
Pondicherry.

3.The Controller of Examination,
Jawaharlal Institute of Postgraduate Medical
Education and Research (JIPMER),
Pondicherry.

.. Respondents

PRAYER Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 06.06.2023 in W.A.No.34073 of 2022.

For Appellant

: Mr.V.Raghavachari, Senior Counsel
for M/s.M.Senthilkumaran



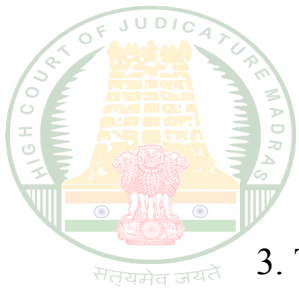
JUDGMENT

(Judgment of the Court was made by J.Nisha Banu J.)

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This Writ Appeal is filed as against the order of the Writ Court dated 06.06.2023 made in W.P.No.34073 of 2022.

2. The writ petitioner is the appellant herein. It is the case of the appellant that he was admitted in the 1st respondent institution in the 1st year MBBS Course in the year 2008 and in the 1st year itself, he was detained by placing reference on the internal assessment. Thereafter, he managed to clear some subjects in the 3rd year and moved on to the final year, without clearing all the subjects within the stipulated period. According to the appellant, without giving any opportunity, the 2nd respondent has issued the impugned notice dated 04.05.2021, informing that the appellant is being removed from the student live list of JIPMER with immediate effect due to non-completion of the MBBS course within the stipulated period of 9 years, as per the JIPMER curriculum. Challenging the said notice dated 04.05.2021, the writ petitioner / appellant has filled the aforesaid writ petition. The writ petition, after contest, came to be dismissed along with connected writ petitions, vide common order dated 06.06.2023, against which the appellant is before this Court with the present writ appeal.



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3. The learned Senior Counsel appearing for the appellant would contend that the respondent has passed the impugned order, without giving due consideration to the circumstances and the situation that prevailed upon. He further submitted that the appellant, who has to complete his course by the end of the academic year 2017-2018, was given an opportunity to appear for the exams that held on August, 2021. However, while giving opportunity, the respondent had totally failed to consider the situation that prevailed over and the circumstances in the family because of Covid pandemic. In such circumstances, the respondent ought to have given an opportunity of hearing to the appellant before passing the impugned notice, however the respondent has passed the impugned notice in a unilateral manner, hence the same is liable to be set aside. The learned Senior Counsel for the appellant would further contend that the respondent, before issuing the impugned notice, have totally failed to ascertain the prolonged endurance suffered and the attempts made by the appellant, who cleared all the subjects, except two subjects to qualify himself for the MBBS degree. However, the Writ Court has failed to consider the same and therefore, prays for interference.



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4. The facts are not in dispute. It is the stand of the respondents before the Writ Court that to complete the MBBS course, the duration of the period is 9 years, however, even after completion of nearly two decades, the appellant could not able to complete the examination. Even so, as a last chance, vide proceedings dated 03.02.2021, the 2nd respondent granted permission to the appellant to appear in the examinations held during March, 2021. Though the appellant participated in the examinations, he did not clear the examination and therefore, the name of the appellant along with similar others were removed from the student live list of JIPMER. The appellant / writ petitioner neither in the writ petition nor before this Court has controverted the said facts. The Writ Court, taking into consideration all these facts, has rightly observed that the petitioner / appellant has not utilized the last opportunity given to him in the year 2021 and did not pass the examination and therefore, the question of giving one more opportunity does not arise, in the absence of specific rules and hence, the impugned notice dated 04.05.2021 cannot be interfered with. This Court, finds no reason to interfere with the reasoning assigned by the Writ Court in dismissing the writ petition and the present writ appeal lacks merits and deserves for dismissal.

5. In the result, this Writ Appeal stands dismissed. No costs.



Consequently, connected miscellaneous petitions are also dismissed.

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(J.NISHA BANU J.)

(M.JOTHIRAMAN J.)

18-07-2025

mst

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

1. The Director,
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**J.NISHA BANU, J.,
AND**



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M.JOTHIRAMAN, J.

Mst

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