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W.P No.30245 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.08.2025

CORAM

THE HONOURABLE MR. JUSTICE C. KUMARAPPAN

Writ Petition No.30245 of 2025

and

Writ Miscellaneous Petition Nos.33928 & 33929 of 2025

Evariste Albert Firmin

... Petitioner

..Vs..

1.The National Medical Commission,
Rep. by its Chairman,
Pocket-14, Sector-8, Dwarka Phase-1,
New Delhi – 110 077.

2.The Controller of Examinations,
Pondicherry University,
R Venkat Raman Nagar, Kalapet,
Pondicherry – 605 014.

3.Pondicherry Institute of Medical Sciences,
Represented by Director-Principal,
Kalathumettupathai,
Ganapathichettikulam Village,
No.20, Kalapet, Puducherry – 605014.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Mandamus, to direct the respondents to allow the petitioner to write the 2nd year MBBS examinations, i.e., Pathology, Pharmacology and Microbiology, which going to commence on 18.08.2025 by considering the petitioner representation dated 25.07.2025.



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For Petitioner : Mr.P.Suresh Babu

For Respondents : M/s.V.Sudha, Senior Standing Counsel
For Central Government for R1

M/s.A.V.Bharathi,
Standing Counsel for R2

MrAbishek Jenesevan for R3

ORDER

The present writ petition has been filed with a prayer for mandamus to direct the respondents to allow the petitioner to write the second-year MBBS examinations, i.e., Pathology, Pharmacology and Microbiology, which going to be commenced on 18.08.2025 by considering the petitioner's representation dated 25.07.2025.

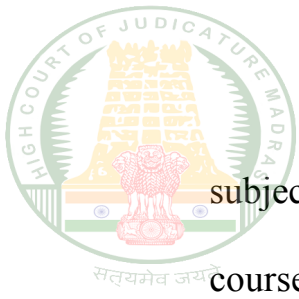
2. The learned counsel for the petitioner submits that the petitioner was joined to the MBBS course at the third respondent's institution in 2021, for the academic year 2020-2025. The learned counsel further submitted that the petitioner was unable to secure the minimum required marks in the subjects namely, Anatomy, Physiology and Biochemistry within the first three attempts. It is further submitted that though the petitioner obtained



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requisite marks in the examination conducted between 07.07.2023 to 08.08.2023, the respondent subsequently altered the qualifying pass percentage, resulting in the petitioner being declared as failed. It is also submitted that the petitioner has been attending second-year MBBS classes for almost 18 months, even then, the respondents have not permitted the petitioner to appear for the second-year examinations. Hence, the learned counsel prays for the issuance of a writ of mandamus directing the respondents to permit the petitioner to write the second-year MBBS examination.

3. Per contra, the learned Standing Counsel appearing on behalf of the second respondent vehemently contended that the duration of the second professional MBBS course is twelve months, and there is a mandatory requirement of 75% attendance in theory and 80% in practical sessions for each subject during the instructional phase. It is further submitted that the students are required to secure minimum of 50 marks out of the total marks allotted for clinical assessments (which include both theory and practical/clinical components), with not less than 40 marks separately in theory and practical, as part of the internal assessment for the respective



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subject. It is also further submitted that passing the first professional MBBS course is compulsory before proceeding to phase-II training. Hence, the learned counsel prays to dismiss the present writ petition.

4. I have given my anxious consideration to either side submissions and also perused the materials available on record.

5. Annexure-II of the Pondicherry University Curriculum 2019 has been submitted by the third respondent in accordance with the written instructions received from the Director and Principal of the Pondicherry Institute of Medical Sciences, Pondicherry.

6. According to Annexure-II of the Pondicherry University Curriculum 2019, for a student to be eligible to appear for the II year examination, they must have completed a twelve month course. During this period, the student must have attained a minimum of 75% attendance in theory classes and 80% attendance in practical sessions. In addition to the attendance requirement, there is also a prescribed minimum marks criterion. In this regard, it is also appropriate to extract the specific provisions relating



to attendance:

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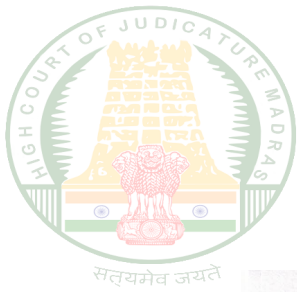
PONDICHERRY INSTITUTE OF MEDICAL SCIENCES

Name : Evariste Albert Firmin
Register Number : 20770040
Period of calculation : From April 2025 to July 2025

Subjects	Attendance						Internal Assessment						Average % (Min. required 50% in Theory + Practical)
	Theory			Practical			Theory (Min. required 40%)			Practical (Min. required 40%)			
	Total Required (in hours)	Total Attended (in hours)	%	Total Required (in hours)	Total Attended (in hours)	%	Minimum No. required	No. Attended	Marks secured (Avg. %)	Minimum No. required	No. Attended	Marks secured (Avg.%)	
Pharmacology	92	28	30	138	18	13	3	2	12	3	3	36	24
Pathology	92	27	29	138	30	22	3	3	14	3	2	10	16
Microbiology	80	32	40	110	19	17	3	1	25	3	Nil	0	13

RENU G' BOY VARGHESE
Director - Principal
Pondicherry Institute of Medical Sciences
Sanapathichettikulam, Kalapet,
Pondicherry - 605 014.

7. Apart from the above qualifications, the petitioner must have also successfully completed the First Professional Examination. In the case on hand, admittedly, the petitioner did not clear in the first-year examination. Furthermore, his attendance and internal assessment do not meet the requirements prescribed under the Pondicherry University Curriculum 2019. For ready reference this Court deems it appropriate to extract the relevant provisions:



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PONDICHERY UNIVERSITY CURRICULAM 20

ANNEXURE-III

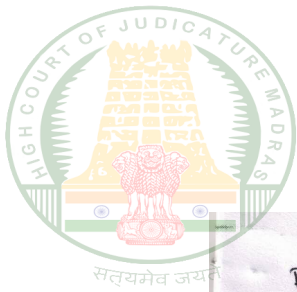
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**CHAPTER 6
ASSESSMENT****II. Assessment****II.1. Eligibility to appear for Professional examinations****I. ATTENDANCE**

- Attendance requirements are 75% in theory and 80% in practical/ clinical for eligibility to appear for the University examinations in that subject. In subjects that are taught in more than one phase – the student must have 75% attendance in theory and 80% in practical in each phase of instruction in that subject.
- If an examination comprises more than one subject (for e.g., General Surgery and allied branches), the student must have 75% attendance in each subject and 80% attendance in each clinical posting.
- Students who do not have at least 75% attendance in the electives will not be eligible for the Third Professional - Part II examination.

II. INTERNAL ASSESSMENT

- Regular periodic examinations shall be conducted throughout the course. There shall be no less than three internal assessment examinations in each Preclinical / Para-clinical subject and no less than two examinations in each clinical subject in a professional year. An end of posting clinical assessment shall be conducted for each clinical posting in each professional year.
- When subjects are taught in more than one phase, the internal assessment must be done in each phase and must contribute proportionately to final assessment. For example, General Medicine must be assessed in second Professional, third Professional Part I and third Professional Part II, independently.
- Day to day records and log book (including required skill certifications) should be given importance in internal assessment. Internal assessment should be based on competencies and skills.
- The final internal assessment in a broad clinical specialty (e.g., Surgery and allied specialties etc.) shall comprise of marks from all the constituent specialties. The proportion of the marks for each constituent specialty shall be determined by the time of instruction allotted to each.
- Learners must secure at least 50% marks of the total marks (combined in theory and practical / clinical; not less than 40 % marks in theory and practical separately) assigned for internal assessment in a particular subject in order to be eligible for appearing at the final University examination of that subject. Internal assessment marks will reflect as separate head of passing at the summative examination.
- The results of internal assessment should be displayed on the notice board within 15 days of the test. Universities shall guide the colleges regarding formulating



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PONDICHERRY UNIVERSITY CURRICULUM 2019



CHAPTER - 6

ANNEXURE - IV

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any University examination shall be counted as an availed attempt. Registering for an University examination is considered as an attempt irrespective of appearance for the examination. A candidate cannot register in part or separately in individual subjects during the first appearance at the Professional Examination.

3. Passing in first Professional is compulsory before proceeding to phase II training

(b) Second Professional

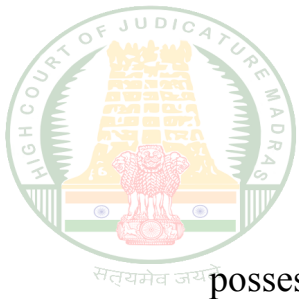
1. The second Professional examination shall be held at the end of second professional training (11 months), in the subjects of Pathology, Microbiology, and Pharmacology. A candidate cannot register in part or separately in individual subjects during the first appearance at the Professional Examination.
2. Passing in second Professional examination is not compulsory before starting third Professional Part I training; however, passing second Professional is compulsory for being eligible for the third Professional Part I examination.

(c) Third Professional

1. Third Professional Part I shall be held at end of third Professional part I of training (12 months) in the subjects of Ophthalmology, Otorhinolaryngology, Community Medicine, Forensic Medicine and Toxicology. A candidate cannot register in part or separately in individual subjects during the first appearance at the Professional Examination.
2. Passing in third Professional (Part I) examination is not compulsory before starting part II training; however, passing of third Professional (Part I) is compulsory for being eligible for third Professional (Part II) examination.
3. Third Professional Part II - (Final Professional) examination shall be at the end of training (14 months, including 2 months of electives) in the subjects of General Medicine, General Surgery, Obstetrics & Gynaecology and Pediatrics. The discipline of Orthopaedics, Anaesthesiology, Dentistry and Radiodiagnosis will constitute 25% of the total theory marks incorporated as a separate section in paper II of General Surgery. The discipline of Psychiatry and Dermatology, Venereology and Leprosy (DVL), Respiratory Medicine including Tuberculosis will constitute 25% of the total theory marks in General Medicine incorporated as a separate section in paper II of General Medicine. A candidate cannot register in part or separately in individual subjects during the first appearance at the Professional Examination.

Appointment of Examiners:

- (a) Medical teacher appointed as an examiner in the particular subject must have at least **four** years of total teaching experience as assistant professor after obtaining postgraduate degree, MD/ MS in the subject in a college affiliated to a recognized/ approved/ permitted medical college.
- (b) For the Practical/ Clinical examinations, there shall be atleast four examiners for 100 students, out of whom not less than 50% must be external examiners. Of the four examiners, the senior-most internal examiner will act as the Chairman and co-ordinator



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8. In view of the above, it is apparent that the petitioner does not possess the required qualifications to appear for the second-year examination, having secured only 30% attendance in pharmacology, 28% attendance in Pathology, and 40% attendance in Microbiology, and his marks in those subjects are also less than 50% namely 24, 16 and 16 respectively. Therefore, this Court is of the firm view that the petitioner is not eligible to sit for the second-year examination. Accordingly, this Court does not find any merits in the present writ petition.

9. In the result, the present writ petition is dismissed. No costs. Consequently, the connected miscellaneous petitions stand closed.

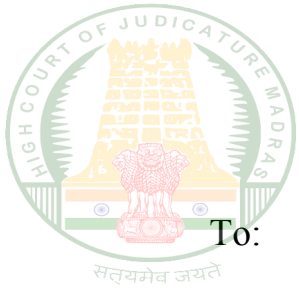
13.08.2025

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Index : Yes

Speaking Order : Yes /No

Neutral Citation Case: Yes/No



To:

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National Medical Commission,
Pocket-14, Sector-8, Dwarka Phase-1,
New Delhi – 110 077.

2.The Controller of Examinations,
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C. KUMARAPPAN, J.



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