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W.P.No.36080 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.09.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.36080 of 2025

S.Shani Abishya

..... Petitioner

Vs

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

2.The Controller of Examinations,
The Tamilnadu Dr.M.G.R. Medical University,
No.69, Anna Salai,
Little Mount, Guindy,
Chennai-600 032.

3.Dhanalakshmi Srinivasan Medical College
and Hospital,
Rep by its Chairman,
Trichy-Chennai Highways,
Siruvachur-621 113.

..... Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Mandamus, directing the 2nd respondent to declare petitioner as pass candidate with Registration No.520022506187 in the first year Bio-Chemistry subject (Paper-I) and Paper-II) as per the revised CBME guidelines in F.No.U/14021/8/2023-



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UGMEB dated 01.09.2023 and allow the Petitioner to pursue 2nd year of MBBS at the 3rd respondent college within the period stipulated by this Honble Court.

For Petitioner : Mr.M.Varun Pandian

For R1 : Mr.A.Kumaraguru
Special Panel Counsel

For R2 : Mr.A.Mohamed Gouse
Standing Counsel

ORDER

This Writ Petition has been filed seeking a direction to the second respondent to declare the petitioner as pass candidate in the first year Bio-Chemistry subject (Papers I and II) in accordance with the revised Competency Based Medical Education (hereinafter referred to as “CBME”) Guidelines, dated 01.09.2023.

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

3.The petitioner had joined the first year MBBS course in the third respondent College, which is affiliated to the second respondent. The common examination for the first year was held in the month of November 2023. The petitioner appeared for the examination in three



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subjects, viz., Human Anatomy, Physiology and Bio-Chemistry. Each

subject consisted of two papers, totalling to six papers to be cleared.

Accordingly, the petitioner appeared for all the papers and the result was published on 15.12.2023. However, she was declared as “fail” in Human Anatomy and Physiology. Subsequently, she successfully cleared those subjects in the examination held during the months of January 2024 and August 2024, as per the result published on 07.02.2024 and 02.09.2024 respectively. With respect to paper-I and Paper II of Bio-Chemistry, the petitioner secured 40% in theory and 65 marks in practical/clinical and viva, aggregating to a total of 105 marks. However, she was declared as “fail” as per the result published on 15.12.2023.

4. The learned counsel appearing for the petitioner submitted that, as per the revised CBME Guidelines dated 01.09.2023, the criteria for passing a subject consisting of two papers is that the student must secure a minimum of 40 marks in aggregate to pass the subject. Admittedly, the petitioner secured 40 marks in Paper-I and Paper II of the Bio-Chemistry theory examination paper and further secured 65 marks in the practical/clinical and viva obtaining a total aggregate of 105 marks.

5. The learned counsel appearing for the second respondent



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submitted that the amended Guidelines are not at all applicable to the case on hand, as they operate prospectively and cannot be applied retrospectively. It was contended that the petitioner belongs to the 2022 batch, and therefore, the amended guidelines would not govern her examination held in the month of November, 2023.

6. On a perusal of the amended guidelines dated 01.09.2023, it is seen that they do not specify whether the curriculum and examination scheme are to be applied retrospectively or prospectively. However, it can be treated prospectively. Admittedly, the petitioner had appeared for the first year M.B.B.S examination only in the month of November 2023, i.e., subsequent to the issuance of the amended guidelines dated 01.09.2023. Therefore, the said amended guidelines would be squarely applicable to the petitioner's case, as the examination was conducted after the introduction of the revised CBME guidelines.

7. In view of the above, the second respondent is directed to declare the result of the petitioner in accordance with the amended Guidelines dated 01.09.2023, within a period of one week from the date of receipt of a copy of this order.



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8. With the above direction, this Writ Petition stands
allowed. There shall be no order as to costs.

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Internet: Yes
Index : Yes/No
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To
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2.The Controller of Examinations,
The Tamilnadu Dr.M.G.R. Medical University,
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G.K.ILANTHIRAIYAN. J.

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