



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-02-2026

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THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No. 5594 of 2026

K.Sivapragasam,
S/o M.Kengalore,
No 9, East Street,
Kanapathichettikulam,
Puducherry 605 014.

... Petitioner
Vs.

1. The Vice Chancellor
The Pondicherry University R.
Venkatraman Nagar, Periyakalapet,
Puducherry 605 014

2.The Registrar
The Pondicherry University R.
Venkatraman Nagar, Periyakalapet,
Puducherry 605 014

3.The Controller of Examinations
The Pondicherry University
R.Venkatraman Nagar, Periyakalapet,
Puducherry 605 014

4.The Director,
Sri Venkateshwaran medical College Hospital and Research centre,
No.13-A Pondy Villupuram Main Road,
Ariyalur,
Puducherry 605 102.

5.The National Medical Commission,
Represented by its Chairman, Pocket
14, Sector 8, Dwarka Phase I, New
Delhi - 110 077.

... Respondents

(R5 Suo Motu impleaded vide order dated 23.02.2026 made in W.P.No.5594 of 2026 by DBCJ.)



Prayer: Writ Petition has been filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to consider the petitioner representation dated 15.12.2025 directing the respondents 1 to 3 within a reasonable time frame and pass

For Petitioner: Mr.R.Ganesan

For Respondents: Mr.M.Ravi, Senior Counsel, for R1 & R2
M/s.V.Sudha, SCGC, for R5

ORDER

This writ petition has been filed for a Mandamus directing the respondents 1 to 3, namely the Pondicherry University, to consider the representation of the petitioner dated 15.12.2025 within the time that is granted by this Court.

2. Upon hearing the Learned Counsel for the petitioner and perusing the material records of the case, including the representation, it is the case of the petitioner that the petitioner has exhausted all his 5 attempts to write the First Professional M.B.B.S. examination. Now, the petitioner has cleared all the examinations except the Anatomy paper. The petitioner has to secure 50 marks in the written examination. However the petitioner has been awarded 49 marks and therefore, the petitioner has made a representation for grant of one grace marks to him. According to the petitioner, the same can be considered by the



respondent University, inasmuch as the statutes of the respondent University permit them to consider for awarding of grace marks.

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3. Per contra, Learned Counsel appearing on behalf the National Medical Commission would submit that originally there was a provision in the National Medical Commission to provide grace marks up to 5 for the candidates to pass the examination. However, considering the fact that no grace marks should be awarded, the said provision has been repealed and even the repeal was challenged and it was upheld before the Hon'ble Karnataka High Court. Therefore, as on date, there is no any express provision in the Regulations that are framed by the National Medical Commission for award of grace mark. She would submit that the Regulations framed by the National Medical Commission would override the Regulations of the Pondicherry University insofar as the Medical Education is concerned. Therefore, when there is no provision in the National Medical Commission Regulations, such a grace mark cannot be granted.

4. As a matter of fact, the following written instructions are placed on record with regard to the question as to whether the National Medical Commission Regulations will override the Pondicherry University. The same are extracted hereunder:



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“3. Whether NMC Regulations Override Pondicherry University Rules/Regulations

Yes. For MBBS, programs, the NMC regulations are the governing national standard for medical education under the National Medical Commission Act, 2019, and universities must follow them when conducting examinations and declaring results.

Where NMC Regulations are operative like grace marks and passing criteria, these standards prevail over any inconsistent university practices. This principle has been upheld in court decisions which confirm that universities must adhere to the NMC's framework when applicable.

University ordinances, including internal regulations such as Pondicherry University's rules relating to the grant of grace marks, operate within the framework of the parent statute under which the University is established. They are subordinate legislation in nature and cannot be inconsistent with, or override, statutory regulations framed by a central authority exercising powers under a Parliamentary enactment.

The regulations framed by the National Medical Commission under the National Medical Commission Act, 2019 constitute delegated legislation having statutory force and are binding across the country. By virtue of the constitutional scheme-particularly Article 246 read with the Seventh Schedule, and the principle embodied in Article 254-where there is any inconsistency between a law made by Parliament and a law made by a State Legislature (or any



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subordinate legislation framed thereunder), the Parliamentary law prevails to the extent of the repugnancy.

Accordingly, if a University ordinance permits a practice (such as the award of grace marks) in a manner that is inconsistent with or contrary to the standards prescribed by the NMC Regulations, the University ordinance must yield. The national regulatory standard governing medical education, being framed under a central statute and intended to ensure uniformity and maintenance of standards across India, will prevail and be binding on all universities and institutions.”

5. The Learned Counsel appearing on behalf of the University would submit that the University has its own criteria for the award of grace marks if only in the first attempt if somebody is suffers it will be awarded.

6. In reply thereto, Learned Counsel appearing on behalf of the petitioner would place on record the judgment of this Court in ***Nahakpam Rojita Devi v. The Medical Council***, in W.P.No.29328 of 2017, wherein this Court considered the issue with reference of the very same Pondicherry University. Paragraph No.26 of the said judgment is extracted hereunder:

“26. The MCI Regulations and the University Regulations earlier had similar provisions. Thereafter, some of the words have been removed in the MCI Regulations. But the original Regulations were retained in the Pondicherry University Regulations and there is no amendment therein.



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When the University has got right to fix the better or more qualification than what is prescribed in the MCI, which is not contrary to the MCI Regulations, deletion of certain words from the MCI Regulations, would not in any way nullify or modify the Pondicherry University Regulations, as the University wanted to stick on to the conditions stipulated in the Prospectus. If there is any contravention in the MCI Regulations and the University Regulations, the MCI Regulations will only prevail. As stated earlier, if there is no contradiction between the MCI Regulations and the University Regulations, the University can fall back upon the University Regulations to sustain their view. It is open for the University to remove Clause 10 dealing with showing mercy.”

7. Thus, here is no specific provision in the National Medical Commission Regulations. Therefore, the provisions of the Pondicherry University is not in contradiction with any express provision of the National Medical Commission's Regulations. Therefore, the respondents 1 to 3 are to consider the case of the petitioner in accordance with its own norms.

8. In view thereof, considering the submissions and the prayer that is made in the writ petition, to consider the representation of the petitioner, this writ petition is ordered on the following terms:



(i) The representation of petitioner dated 15.12.2025 shall be considered by the respondents 1 to 3 in accordance with law and as per their own norms and pass speaking order in accordance with law.

(ii) The order shall be passed within a period of four (4) weeks from the date of receipt of the web copy of the order, without waiting for the certified copy of this order.

There shall be no order as to costs.

27-02-2026

Neutral Citation:No.
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Today, this writ petition is listed under the caption “for being mentioned”.

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2. It is seen that Mr.V.Chandrasekaran, learned Senior Panel Counsel, is appearing on behalf of respondents 1 to 3; Mr.M.Ravi, learned Standing Counsel, is appearing on behalf of the fourth respondent; and Ms.V.Sudha, learned Senior Central Government Standing Counsel, is appearing on behalf of the fifth respondent. However, in the order dated 27.02.2026 passed in W.P.No.5594 of 2026, their appearance has not been correctly recorded.

3. In view of the above, the Registry is directed to include the aforesaid names in the appearance portion and issue a corrected copy of the order.

18.03.2026

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