WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on: 26/10/2026

Pronounced on: 28/10/2026

CORAM

THE HON'BLE MR.JUSTICE K. SURENDER

WP No. 33159 of 2025

CNR:{HCMA011888862025}

J.Dheepak Chandru
S/o. N.Jayachandran,
12 And 13, Gengu Reddy Road,
B-6 Sriniketan Apartment,
Egmore
Chennai 08

..Petitioner(s)

Vs

1. The Vice Chancellor
   Dr. M.G.R. Medical University,
   No. 69 Anna Salai , Guindy Chennai 32
2. The Registrar
   Dr. M.G.R. Medical University,
   No. 69 Anna Salai , Guindy Chennai 32
3. The Controller Of Examinations
   Dr. M.G.R. Medical University, No. 69 Anna
   Salai , Guindy Chennai 32

..Respondent(s)

Prayer: Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus directing the respondents to declare the result of the petitioner in MS Orthopaedics Examination held in May 2025 vide Reg No. 220220504001 by taking into account the highest marks secured by him either in the 1st or 2nd valuation concerning the four subjects, namely “Basic Science as applied to Orthopaedics, Traumatology and Rehabilitation, Orthopaedic diseases and Recent advances in ortho surgery”

https://www.mhc.tn.gov.in/judis

WEB COPY

meant for MS Orthopaedics Examination without considering the average marks between the two valuations as a one time measure in the light of peculiar facts and circumstances involved herein within a time frame.

For Petitioner(s): Mr.K. Ravi Anantha Padmanabhan
for Mr.S.Dayanand

For Respondent(s): Mr.M.Sivavarthanan
Additional Government Pleader

- - - - -

O R D E R

This writ petition has been filed seeking a direction to the respondents to declare the petitioner's result in the M.S. Orthopaedics examination held in May 2025 by taking into account the higher marks secured in the first or second valuation in each of the four subjects, instead of the average marks, as a one-time measure.

2. The petitioner, Dheepak Chandru, completed his MBBS course at Saveetha Medical College, Chennai, in 2016. He pursued the three-year M.S. Orthopaedics degree course during the academic year 2020–2023 at Trichy SRM Medical College, Trichy. The examining university for the postgraduate examinations is Dr. M.G.R. Medical University, Chennai. The petitioner could

https://www.mhc.tn.gov.in/judis

WEB COPY

clear the examinations in five attempts. He has appeared in five attempts and was declared to have failed in all the five attempts. The present writ is filed aggrieved by the failure in the fifth and final attempt held in May 2025.

3. The petitioner's grievance is that, if the Medical Council of India Postgraduate Medical Education Regulations(PGMER), 2000, were applied, he would have passed the examination. However, the amended 2023 Regulations (PGMER 2023) were applied, resulting in his failure.

4. The marks secured by the petitioner in the fifth attempt are as follows:

S. No.	Name of the Subject	1st valuation	2nd valuation	3rd valuation	Average
1.	Basic Science as applied to Orthopaedics	53	50	-	52
2.	Traumatology and Rehabilitation	33	50	50	50
3.	Orthopaedic diseases	44	50	-	47
4.	Recent advances in Ortho surgery	50	44	-	47

https://www.mhc.tn.gov.in/judis

WEB COPY

5. The petitioner was declared to have failed on account of Clause 8.4 of the PGMER 2023 Regulations.

6. Clause 8.4 of the PGMER 2023National Regulations reads as follows:

> *"**Valuation***
>
> *a. All the teachers of the other colleges of the concerned University or other Universities, who are eligible to be post-graduate examiners, can perform the valuation of the answer scripts.*
>
> *b. All the answer scripts shall be subjected for two valuations by the concerned University. The average of the total marks awarded by the two valuators for the paper, which is rounded off to the nearest value, shall be considered for computation of the results. All the answer scripts, where the difference between two valuations is 15% and more of the total marks prescribed for the paper, shall be subjected to third valuation. The average of the best two total marks, awarded by the three evaluators for the paper, rounded off to the nearest value, shall be considered for final computation of the results.*
>
> *c. After the computation and declaration of the results, under no circumstances, revaluation is permitted by any authority.*

https://www.mhc.tn.gov.in/judis

WEB COPY

d. All the Health Universities/Institutions imparting post-graduate courses shall implement digital valuation."

7. It is not in dispute that the petitioner appeared for the examination for the fifth time in May 2025. He had earlier made his third and fourth attempts in May 2023 and October 2024, respectively. He seeks the intervention of this Court to apply the regulations in force, when he was admitted to the college in the year 2020, namely, the Regulations of PGMER 2000 and its subsequent amendments.

8. The petitioner seeks computation of his marks in the May 2025 examination by taking the highest marks awarded in the valuations, instead of applying the averaging method under Clause 8.4 of the 2023 Regulations. He seeks this as a one-time measure and asks to be declared as having passed in all four subjects.

9. The learned Senior Counsel appearing for the petitioner submits that, since the petitioner joined the course in the year 2020, the Regulations existing on the date of the examinations must be applied. The learned Senior Counsel

https://www.mhc.tn.gov.in/judis

WEB COPY

also relies on a copy of Resolution No. 40 passed on 03.03.2015 at the 234th Governing Council meeting, which is extracted below:

> **"Agenda 234 (40)**
>
> *To ratify the action of the University in re-introducing double valuation of answer papers with effect from February 2015 examination onwards with slight modification of governing Council Resolution.*
>
> *Resolved to ratify the action of the University in selecting the higher of the two marks in the double evaluation system introduced for all UG and PG courses, regular and arrear batches in February 2015 examination session.*
>
> *The double evaluation will be applicable for all UG and PG courses except BDS course where Dental Council of India regulations are followed from April 2015 examination session onwards for regular and arrear batches. This double evaluation shall be done for all answer scrips that are awarded marks below the minimum required for a pass in the respective theory paper during the first evaluation. The average of the two evaluations or the first evaluation mark, whichever is higher will be taken as the final mark."*

Agenda 245 (38)

> *To consider and approve the second valuation of answer scripts those who have obtained less than 50% in individual theory paper – PG Degree/Diploma/Super Speciality Course with effect from August 2016 Examination.*

https://www.mhc.tn.gov.in/judis

WEB COPY

Resolved to approve the second valuation of answer scripts for the candidates who have secured less than 50% in individual theory papers. Further resolved that the highest mark from among the two valuation, first or second valuation be considered as mark scored by the candidate."

10. Relying on the above agenda and resolution, the learned Senior Counsel submits that, since the petitioner obtained 50 marks on revaluation, the higher marks should be taken into consideration, in view of the saving clause in Clause 11.2 of the 2023 Regulations. The respondents cannot apply the new Regulations and the highest marks obtained on revaluation, rather than the aggregate marks, must be considered.

11. The application of valuation in accordance with Clause 8.4 of the new Regulations is not in dispute. However, the learned Senior Counsel emphasises Clauses 11.2 and 11.3, of PGMER 2023, which read as follows:

11.2 Saving Clause: *Notwithstanding anything contained in these Regulations, any actions made under the "Post graduate Medical Education Regulations, 2000" or the "The Opening of a New or Higher Course of Study or Training (including Post-graduate Course of Study or Training) and Increase of Admission Capacity in any course of Study or Training (including a Post-Graduate Course of Study or Training) Regulations, 2000" or the*

https://www.mhc.tn.gov.in/judis

WEB COPY

recommendation of the Councils prior to that, shall be protected.

11.3 Repeal: *The "Post-Graduate Medical Education Regulations, 2000" and "The Opening of a New or Higher Course of Study or Training (including Post-graduate Course of Study or Training) and Increase of Admission Capacity in any course of Study or Training (including a Post-Graduate course of Study or Training) Regulations, 2000" are hereby repealed.*

12. The learned Senior Counsel also relies on the counter affidavit filed by the first respondent therein, namely, the Registrar, The Tamil Nadu Dr. M.G.R. Medical University, Chennai, in W.P. No. 11117 of 2017. The affidavit was filed in February 2022 and, in paragraph 7, the respondent undertook to consider the higher marks of the two evaluations for the candidate.

13. Relying on that counter affidavit, the learned Senior Counsel submits that the respondents cannot apply different standards to different students. If the higher marks in the valuations are considered instead of the aggregate, the petitioner would pass the examination. Accordingly, a direction is sought to apply the earlier resolutions of 2015 as extracted earlier and consider the higher of the two evaluations as the petitioner's final mark.

https://www.mhc.tn.gov.in/judis

WEB COPY

14. The learned counsel for the respondents submits that the petitioner failed in accordance with the PGMER 2023 Regulations and that the University cannot follow the earlier Regulations as a one-time measure for him. The respondents therefore seek dismissal of the writ petition.

15. As already stated, the marks awarded in the valuations and the total marks are not disputed. The petitioner does not seek revaluation or re-totalling, as the Regulations do not permit it. His case rests on the applicability of Resolution No. 40 dated 03.03.2015 and the subsequent Agenda 245 (38), effective from the 2016 examinations, under which the higher marks in the first and second valuations were to be considered.

16. The Postgraduate Medical Education Regulations, 2023 were made by the National Medical Commission of India under the National Medical Commission Act, 2019 (Act No. 30 of 2019), by notification dated 29.12.2023. They came into force on the date of publication in the Gazette, namely, 01.01.2024. Clause 1.1 links postgraduate education to specialist competence, ethical professional practice, research and teaching capacity. The examination and valuation provisions form part of the scheme for assessing and certifying a postgraduate student’s professional competence. The purpose of the 2023

https://www.mhc.tn.gov.in/judis

WEB COPY

Regulations supports consistent application of the prescribed method. Regulation 8.4(b) requires two valuations and computation of the rounded average. The language of Regulation 8.4 is mandatory and does not permit substitution of the highest single mark awarded.

17. The 2018 amendment to the 2014 Regulations already requires at least 40% in each theory paper, 50% cumulatively across four papers and a separate minimum of 50% in the practical examination. Regulation 14 after the 2018 amendment, read as follows:-

> *Clause 14 under the heading "EXAMINATION' of the "Postgraduate Medical Education Regulations, 2000", following shall be substituted as under:- Obtaining a minimum of 40% marks in each theory paper and not less than 50% cumulatively in all the four papers for degree examinations and three papers in diploma examination. Obtaining of 50% marks in Practical examination shall be mandatory for passing the examination as a Whole in the said degree/diploma examination as the case may be.*

18. The PGMER, 2023 retains the relevant theory thresholds. The present dispute concerns averaging, rather than the introduction in 2023 of a new minimum of 200 theory marks. The petitioner's contention is based on his admission in 2020 and completion of the course in 2023. However, the learned

https://www.mhc.tn.gov.in/judis

WEB COPY

counsel has not established that every future examination attempt of students who got admission prior to the PGMER 2023 Regulations came into force, would be governed by the 2000 Regulations and their subsequent amendments. A reading of the 2023 Regulations does not disclose a general exemption for candidates admitted earlier or those who completed training before their commencement. Regulation 8.4 applies generally to candidates taking examinations after the PGMER 2023 Regulations came into force and does not provide for application of the earlier Regulations to candidates who were admitted before the 2023 Regulations were made.

19. The application of the PGMER 2000 valuation rule to an examination held after the commencement of the 2023 Regulations cannot be done on the ground of admission into PG course prior to PGMER 2023 Regulations came into force. The petitioner has not shown any provision preserving the earlier valuation method for his subsequent attempts.

20. Clause 11.2 protects actions taken under the earlier 2000 Regulations, while Clause 11.3 repeals them. Read together with the commencement of Regulation 8.4, these provisions protect earlier valid actions, however later examinations are governed by the operative valuation rule in Regulation 8.4. Completion of training or the date of admission does not entitle a candidate to

https://www.mhc.tn.gov.in/judis

WEB COPY

choose the earlier rules in force. Nothing has been placed on record or brought to the notice of this Court to show that any notification exempts the petitioner from Regulation 8.4.

21. The University resolutions and the counter affidavit relied upon by the petitioner relate to the earlier valuation framework. They do not establish an enforceable right to insist upon that method for an examination governed by the subsequent statutory Regulations. Nor can an undertaking given in another proceeding be read as authorising the University to depart from the applicable statutory rule. This conclusion is subject to any applicable transitional provision, of which none has been brought to the notice of this Court.

22. The scope of review under Article 226 of the Constitution is limited to examining whether the University followed the governing rules and whether any illegality has occurred in the computation. In the present case, the calculations conformed to the averaging method. The petitioner's request to substitute a different formula for him as a one-time measure cannot be entertained. This Court cannot direct departing from the binding statutory requirement in Regulation 8.4 of PGMER 2023 and to apply PGMER 2000.

https://www.mhc.tn.gov.in/judis

WEB COPY

23. The petitioner does not dispute the marks awarded or identify an error in applying the prescribed computation. His request is for the substitution of the higher individual valuation for the method prescribed by Regulation 8.4(b). The hardship resulting from the shortfall, cannot by itself furnish a basis to direct a method contrary to the governing provision. In Maharshi Dayanand University v. Surjeet Kaur, (2010) 11 SCC 159, the Supreme Court held that a court cannot direct an authority to act contrary to a statutory provision.

24. It is trite law that a Court exercising jurisdiction under Article 226 of the Constitution cannot direct an authority to contravene statutory provisions. The shortfall of four theory marks and the possibility of passing under a more favourable formula adopted under the earlier Regulations, since repealed by the 2023 Regulations, do not confer a right on the petitioner to claim application of that formula.

25. In the result, the writ petition is dismissed. No costs.

(K.SURENDER,J)
28/10/2026

Neutral Citation: Yes/No

mvs.

https://www.mhc.tn.gov.in/judis

WEB COPY

To

1. The Vice Chancellor
   Dr. M.G.R. Medical University, No. 69 Anna Salai , Guindy Chennai 32

2. The Registrar
   Dr. M.G.R. Medical University, No. 69 Anna Salai , Guindy Chennai 32

3. The Controller Of Examinations
   Dr. M.G.R. Medical University, No. 69 Anna Salai , Guindy Chennai 32

https://www.mhc.tn.gov.in/judis

WEB COPY

K.SURENDER J.

mvs.

Pre-delivery order made in
WP No. 33159 of 2025

28/10/2026

https://www.mhc.tn.gov.in/judis