

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.06.2012

CORAM:

THE HON'BLE MR. JUSTICE K.CHANDRU

W.P.Nos.15956 and 15957 of 2012
and M.P.Nos.1 and 1 of 2012

Tanima Rituparna Barman Roy

.. Petitioner in
WP.15956/2012

Abraham Mathew

.. Petitioner in
WP.15957/2012

Vs.

1.Tamil Nadu Dr.M.G.R.Medical University
rep. by its Registrar, Guindy, Chennai-32.

2.The Controller of Examinations,
Tamil nadu Dr.M.G.R.Medical University,
Guindy, Chennai-32.

3.S.R.M.Dental College
rep. by its Principal,
Bharathi Salai, Ramapuram,
Chennai-89.

.. Respondents in both
the WPs

[the petitioners have challenged the clause 6 of the impugned regulation dated 14.1.2011 framed by the University. The regulations were issued by the University, after convening Expert Committee meeting and resolution passed in 40th and 42nd meeting of the Standing Academic Board and Clause 6 of the impugned regulation reads as follows:

"(6) To discharge the candidates who have completed double the duration of their respective courses:

To discharge all the Under Graduate, Post Graduate and Super Specialty candidates who have not completed the course within the double the duration of the respective courses in Medicine, Dental/Indian Medicine and Homeopathy and Allied Health Science courses.

Further that as a measure of amnesty, to those who are on the final year of the respective courses, as a last chance, to appear for the Examination in February/August 2011 Examinations, be given and if any of them do not pass the course even in their last chance they may be discharged from the course. After getting necessary undertaking from the students and only then the Examination wing has to permit the students to appear for the Examinations.

The above resolution will come into effect from February/April 2011 Examination onwards."

the Hon'ble Supreme Court in its judgment reported in (2011) 4 SCC 606 (Visveswaraiah Technological University and another v. Krishnendu Halder and others) observed that determination of such standards, being part of the academic policy of the University, are beyond the purview of judicial review, unless it is established that such standards are arbitrary or "adversely affect" the standards, if any, fixed by the central body under a Central enactment and in para 17, it is held as follows:

"17.No student or college, in the teeth of the existing and prevalent rules of the State and the University can say that such rules should be ignored, whenever there are unfilled vacancies in colleges. In fact the State/University, may, in spite of vacancies, continue with the higher eligibility criteria to maintain better standards of higher education in the State or in the colleges affiliated to the University. Determination of such standards, being part of the academic policy of the University, are beyond the purview of judicial review, unless it is established that such standards are arbitrary or "adversely affect" the standards, if any, fixed by the central body under a Central enactment. The order of the Division Bench is therefore unsustainable."

8.In the light of the above factual matrix and legal precedents, there is no case made out by the petitioners in the present two writ petitions. Hence, the impugned regulations are perfectly valid and are not liable to be challenged under Article 226 of the constitution of India for interference by this Court.

9.In the result, both the writ petitions are dismissed.