

Petitioner Vs. Respondent

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Court : Chennai

Decided On : Dec-14-2016

Judge : B. Rajendran

Appeal No. : W.M.P. No. 37086 of 2016 in W.P. No. 34265 of 2016

Appellant : Petitioner

Respondent : Respondent

Judgement :

1. Mr.J.Madanagopal Rao, learned counsel accepts notice on behalf of respondents 1 and

2.

2. The learned counsel appearing for the petitioner would submit that pursuant to the direction of this Court in W.P.No.34265 of 2016, the students were permitted to write the examination and the results are ready for publish. The supplementary examination schedule has also been published. But due to the earlier order of this Court, the results have not been published. These are the first year students. Total duration of the course is 4-1/2 years. But the result is not published for the present year. He would further state that if the results are not published, the failed students cannot take up the supplementary examination, which is commencing from 26.12.2016. But the last date for submitting on line application, without fine is till 13.12.2016 and with fine is 16.12.2016. So first of all, these students should know

whether they have passed and if they have failed, they have to take up the supplementary examination.

3. Therefore, the learned Senior counsel appearing for the petitioner would only contend that unless the result is published, so as to enable those failed students to take up the supplementary examination, they will be put to serious hardship. In any view of the matter, they would not claim any equity on the basis of writing the examination pursuant to the directions of this Court. In fact, the earlier order of this Court, it has been very clearly stated that pursuant to the interim order only, they have been permitted to write the examination. In such view of the matter, no prejudice would be caused either publishing the results or permitting the failed students to take up the supplementary examination.

4. Learned counsel appearing for the University would contend that in the earlier order itself, it is stated that pursuant to the interim order, the students cannot claim any equity out of this order.

5. Mr.Madanagopal Rao, learned counsel for respondents 1 and 2 would also state that they need to file a detailed counter in the main writ petition.

6. Heard both sides.

7. Since the last date for supplementary examination is 13.12.2016 without fine and with fine, the last date is 16.12.2016, unless result is published, the failed students cannot take up the examination. However, the next examination, as admitted by all the parties, would be only November 2017 and since it is only the first year course and the course completion is 4 years, there is no impediment for permitting the authority either to publish the result of the examination or permit the students to sit and write the supplementary examination.

8. Considering the facts and circumstances, this Court directs the respondent Nos.4 and 5 to declare the result of 1st year BHMS Examination 2015-2016 and permitting the students, who have failed in any subjects to apply for the supplementary examination to be held on 16.12.2016. It is made clear that the students, who write the supplementary examination, should get the results and

pursuant to the order of this Court, they cannot claim any equity out of this order and this order is made, subject to the result of the main writ petition.

9. Post the main writ petition on 09.01.2017.

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