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**J Sindhu Vs. Rajiv Gandhi University of Health Sciences**

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**Court** : Karnataka

**Decided On :** Dec-09-2015

**Judge** : H.G.Ramesh

**Appeal No.** : WP 54407/2015

**Appellant** : J Sindhu

**Respondent** : Rajiv Gandhi University of Health Sciences

**Judgement** :

- 1 - WP.No.54407/2015 IN THE HIGH COURT OF KARNATAKA AT BENGALURU DATED THIS THE9H DAY OF DECEMBER 2015 BEFORE THE HONBLE MR. JUSTICE H.G.RAMESH WRIT PETITION NO.54407/2015 (EDN-EX) R ... PETITIONER RAJIV GANDHI UNIVERSITY OF HEALTH SCIENCES4H T BLOCK, JAYANAGAR BENGALURU - 560 041 REPRESENTED BY ITS REGISTRAR BETWEEN: J.SINDHU AGED ABOUT27YEARS D/O J.JAYAKUMAR1T BHMS, BHAGWAN BUDDHA HOMOEOPATHIC MEDICAL COLLEGE & HOSPITAL SRINIDHI COMPLEX, OUTER RING ROAD, MALLATHALLI BENGALURU - 560 056 (BY SRI AJOY KUMAR PATIL, ADVOCATE) AND:

1.

2. 3. (BY SRI N.K.RAMESH, ADVOCATE FOR R-1 & R-2) THE REGISTRAR (EVALUATION) RAJIV GANDHI UNIVERSITY OF HEALTH SCIENCES4H T BLOCK, JAYANAGAR BENGALURU - 560 041 BHAGWAN BUDDHA HOMOEOPATHIC MEDICAL COLLEGE & HOSPITAL SRINIDHI COMPLEX OUTER RING ROAD, MALLATHALLI BENGALURU - 560 056 REPRESENTED BY ITS PRINCIPAL ... RESPONDENTS WP FILED UNDER ARTICLE226OF THE CONSTITUTION OF INDIA PRAYING TO DIRECT R-1 RAJIV GANDHI UNIVERSITY OF - 2 - WP.No.54407/2015 HEALTH SCIENCES TO PERMIT THE PETITIONER TO APPEAR FOR THE1T BHMS EXAMINATION OF DECEMBER 2015 JANUARY2016BEING CONDUCTED BY R-1 & 2 IN THE SUBJECT OF ANATOMY AS PER THE TIME-TABLE AT ANNEXURE-D. WP COMING ON FOR PRELIMINARY HEARING, THIS DAY, THE COURT MADE THE FOLLOWING:

ORDER

**H.G.RAMESH, J.**

(Oral): In this writ petition, petitioner has sought for a 1. direction to Rajiv Gandhi University of Health Sciences to permit her to appear for the examination of the subject- Anatomy of first year BHMS course scheduled during December-2015. The petitioner has failed in the aforesaid subject for four times and she is seeking permission to take the examination for the fifth time. Question is whether it is permissible under the regulations governing the BHMS Course.

2. Learned counsel for the petitioner, in support of the writ petition, relied on a decision dated 07.11.2014 rendered by this Court in W.P.No.28864/2014 (Annexure-F) and another decision dated 31.10.2015 rendered by this Court in W.P.Nos.56801-56804/2014.-. 3 - WP.No.54407/2015 3. To examine the question raised, it is relevant to refer to the relevant Regulations governing the course. Homeopathy degree course examinations is regulated by Homeopathy Degree B.H.M.S. Course Regulations, 2005 (the Regulations). Regulation Nos.10 & 11 which are relevant for this case read as follows: 10. Facility to keep term a. No student shall be permitted to join the Para-clinical/Clinical group of subjects until he/she has passed all the Pre-clinical subjects of I BHMS for which he/she will be permitted not more than four chances including original examination. b. A

candidate must pass Second BHMS examination at least one term (6 months) before he/she is allowed to appear in the Third BHMS examination. c. A candidate must pass the Third BHMS examination at least one term (6 months) before he/she is allowed to appear in the Fourth BHMS examination.

11. Number of Attempts If a candidate fails to pass in all the subjects within four chances I or II or III BHMS examination, he/she shall be required to prosecute a further course of study of all the subjects and in all parts for one year to the satisfaction of the head of the college and appear for examination in all the subjects. Provided that if a student appearing for the Fourth BHMS examination, has only one subject to pass at the end of prescribed chances, he shall be allowed to appear at the next examination in that particular subject and shall complete the examination with this special chance. (Underlining supplied) 4. The petitioner has not passed Anatomy subject of I BHMS in spite of taking the examination for four times including the original examination. In view of the two regulations extracted above, it is not permissible for the petitioner to take the examination in the failed subject of - 4 - WP.No.54407/2015 I year BHMS for the fifth time. In my opinion, the two decisions relied on by the petitioners counsel were rendered on their own facts and no law is laid down therein. The writ petition is devoid of merit and it is accordingly dismissed. Petition dismissed. Sd/- JUDGE hkh.

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