

**IN THE HIGH COURT OF BOMBAY AT GOA**

WRIT PETITION NO. 192 OF 2006

DR. SIDDIQUE MOHAMAD AFZAL AND ANR., ... Petitioners

Versus

THE DEAN, GOA MEDICAL COLLEGE AND 14 ORS., ... Respondents

Mr. H. D. Naik, Advocate for the petitioners.  
Mr. M. Salkar, Government Advocate for respondent no.1.  
Mr. H. Kankonkar, Advocate for respondents no.3 to 6, 8, 9, 11 and 15.

Coram:- A. P. LAVANDE & U. V. BAKRE, JJ.

Date:- 7th May, 2012

**ORAL ORDER :**

Affidavit filed by respondent no.1 is taken on record.

2. This petition involves interpretation of Rule 3(ii)(b) of the Goa (Rules for admission to postgraduate degree and diploma courses of the Goa University at the Goa Medical College) Rules, 2004 (hereinafter referred to as 'the Rules') which reads as under :

"(3) Order of Merit. - (ii) Aggregate marks. - The percentage of aggregate marks shall be arrived at by totalling the marks obtained in all the subjects of the 1st, 2nd and 3rd MBBS Examinations and deducting it to a percentage after the following deductions:-

(b) 5 percent of marks shall also be deducted as above, if the student takes a drop in the subject."

3. The petitioners, who were seeking admission to postgraduate degree course in Goa Medical College for the academic year 2006-2007, filed the present petition since respondent no.1 sought to deduct 5 % marks since the petitioners herein could not appear for the examination for the first semester on the ground that they did not

have minimum attendance. In the present petition, On 03/05/2006, Rule was issued and interim relief was granted in terms of prayer clause (e) of the petition which reads thus :

"(e) That pending the hearing and final disposal of the petition, the admission process to post graduate degree and diploma courses of Goa University at Goa Medical College for the academic year 2006-2007 based upon the merit list (ANNEXURE "L" to the Petition) be stayed; and the Respondents no.1 and 2 be directed to give provisional admissions to the Petitioners in the postgraduate medical course based on merit list dated 04/04/2006."

4. By the said order, we held that since the petitioners were granted admission late, they could not complete requisite attendance to appear for the first semester examination and as such, respondent no.1 was not entitled to deduct 5 % marks in terms of Rule 3(ii)(b) of the Rules. Pursuant to the interim order, the petitioners got admission to M.D. Course in Goa Medical College.

5. The affidavit filed on behalf of respondent no.1 discloses that respondent no.1 has complied with the order dated 03/05/2006. It has been further stated by respondent no.1 that the order of this Court shall be complied with for admission to post graduate degree and diploma courses at Goa Medical College in terms of Rule 3(ii)(b) as interpreted by this Court by order dated 03/05/2006. The statement made by respondent no.1 is accepted. Indisputably, the petitioners have also completed post graduate courses.

6. In view of the above position, the cause of action in the present petition does not survive. The petition stands, accordingly, disposed of. No order as to costs.

A. P. LAVANDE, J.

U. V. BAKRE, J.