

*** THE HON'BLE SRI JUSTICE NYAPATHY VIJAY**

WRIT PETITION No.22689 of 2025

% 18.06.2026

Kappala Joseph Paul, S/o Late Sri K. Ephraim,
Aged 61 years, R/o Mission High School Road,
Narasapur, West Godavari District. Petitioner

Versus

\$ The State of Andhra Pradesh, Rep. by its
Principal Secretary, Medical & Health Department,
Secretariat, Velagapudi, Amaravathi,
Guntur District & 5 others Respondents

! Counsel for the Petitioner : Sri S. Sesha Giri Rao

! Counsel for the Respondents : 1) GP for Medical & Health

2) Smt. T.V. Sri Devi, Standing
Counsel for Dr. N.T.R. University
of Health Sciences.

< Gist:

> Head Note:

? Cases referred:

- 1) AIR 1981 SC 1922
- 2) (2024) 11 SCC 372

THE HON'BLE SRI JUSTICE NYAPATHY VIJAY

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Secretariat, Velagapudi, Amaravathi,
Guntur District & 5 others Respondents

DATE OF ORDER PRONOUNCED: 18.06.2026

SUBMITTED FOR APPROVAL:

THE HON'BLE SRI JUSTICE NYAPATHY VIJAY

1. Whether Reporters of Local Newspapers may
be allowed to see the Order?
Yes/No
2. Whether the copies of Order may be marked
to Law Reporters/Journals? Yes/No
3. Whether Your Lordships wish to see the fair
copy of the Order? Yes/No

NYAPATHY VIJAY, J

APHC010436612025



IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI [3460]
(Special Original Jurisdiction)

THURSDAY, THE EIGHTEENTH DAY OF JUNE
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE NYAPATHY VIJAY

WRIT PETITION NO: 22689/2025

Between:

1.KAPPALA JOSEPH PAUL, S/O.LATE SRI K.EPHRAIM, AGED
61 YEARS, R/O.MISSION HIGH SCHOOL ROAD,
NARASAPUR, WEST GODAVARI DISTRICT.

...PETITIONER

AND

1.THE STATE OF ANDHRA PRADESH, REP. BY ITS
PRINCIPAL SECRETARY, MEDICAL AND HEALTH
DEPARTMENT, SECRETARIAT, VELAGAPUDI,
AMARAVATHI, GUNTUR DISTRICT.

2.THE VICE CHANCELLOR, DR.NTR UNIVERSITY OF
HEALTH SCIENCES VIJAYAV/ADA, ANDHRA PRADESH

3.THE REGISTRAR, DR.NTR UNIVERSITY OF HEALTH
SCIENCES VIJAYAWADA, ANDHRA PRADESH

4.THE CONTROLLER OF EXAMINATIONS, DR.NTR
UNIVERSITY OF HEALTH SCIENCES VIJAYAWADA,
ANDHRA PRADESH

5.THE PRINCIPAL, GSL MEDICAL COLLEGE,
RAJAMAHENDRAVARAM, EAST GODAVARI DISTRICT,
ANDHRA PRADESH

6.THE NATIONAL MEDICAL COMMISSION, REP BY ITS
SECRETARY, POCKET-14, SECTOR-8, DWARKA PHASE-I,
NEW DELHI- 110077

...RESPONDENT(S):

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a Writ of mandamus declaring the impugned letter issued by the 2nd and 4th respondents as illegal, arbitrary, and violative of Articles 14 and 21 of the Constitution of India direct the 2nd and 4th respondents to permit my daughter to continue and complete the MBBS course in accordance with the permission earlier granted and pass such other orders.

IA NO: 1 OF 2025

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased please to grant to live permit the Petitioner Hon'ble High court and pass such other order.

IA NO: 2 OF 2025

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to issue interim order Pending disposal of the Writ Petition, direct the Respondents 2 and 4 to allow my daughter to write the 1st year MBBS University exams which are scheduled to be held during September or this year and pass such other order.

IA NO: 3 OF 2025

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased may be pleased to pass a direction to the Respondent No.3 to announce the result of daughter of the petitioner and also allow her to attend the supplementary examinations in the event of failure in any of the subjects which were already written by her daughter under the direction given to R.3 vide Writ Petition cited above pending disposal of the Writ Petition.

Counsel for the Petitioner:

1. SINGULURI SESHAGIRI RAO

Counsel for the Respondent(S):

1. T V SRI DEVI
2. VIVEK CHANDRA SEKHAR S
3. GP FOR MEDICAL HEALTH FW
4. Tata Venkata Sridevi, Standing Counsel For Dr.NTR University of Health Sciences

The Court made the following:

HON'BLE SRI JUSTICE NYAPATHY VIJAY

WRIT PETITION No.22689 of 2025

ORDER:

1. The present Writ Petition is filed to direct Respondent Nos.2 and 4 to permit the daughter of the Petitioner to continue and complete the M.B.B.S., Course.

2. The brief facts are as follows;

The daughter of the Petitioner by name Ms. Vineetha Kappalla had joined the First year M.B.B.S., Course bearing Registration No.20M102014195 during the Academic Year 2020-2021 under 'B' Category at G.S.L. Medical College, Rajamahendravaram, East Godavari District i.e., Respondent No.5 under Dr. N.T.R. University of Health Sciences i.e., Respondent No.3. She had appeared for First year examinations conducted in January, 2022, but had failed in all three (3) subjects. Subsequently, in April, 2022, the Petitioner's daughter had applied for supplementary examinations, but she remained absent for the said examinations.

3. Thereafter, the Petitioner's daughter had taken a break for more than two (2) years on account of financial stringencies and had re-joined the course in November, 2024 with the approval of the

Respondent-University *vide* Letter No.513/MBBS/BDS/EA1/2018, dated 11.11.2024. While so, she was declared to be not eligible to appear in the examinations for the First year in the year 2025 in view of Regulation 7.7 of the Graduate Medical Education Regulations as amended in 2019, which stipulates that the total period for successful completion of First year examination shall not exceed four years and within a maximum attempts of (04). It was stated that the Petitioner's daughter had exceeded the period of four (04) years by 31.12.2024 and hence not eligible. Hence, the present Writ Petition is filed.

4. In the Counter-Affidavit filed by Respondent No.3, it is stated that Regulation 7.7 of the Regulations on Graduate Medical Education is statutory and mandatory and that the daughter of the Petitioner is not eligible for the University examinations as she had completed four (4) years duration by 31.12.2024. In the Counter-Affidavit filed by Respondent No.6, it was stated that break of study taken by the student counts towards the total duration of the course of four (04) years as per the Regulations and the daughter of the Petitioner cannot be permitted to further pursue M.B.B.S., Course.

5. Heard Sri S. Sesha Giri Rao, learned counsel for the Petitioner and Smt. T.V. Sri Devi, learned Standing Counsel for Dr. N.T.R. University for Health Sciences.

6. “The Regulations on Graduate Medical Education (Amendment), 2019” were framed in exercise of the powers conferred by Section 33 of *The Indian Medical Council Act, 1956*. The Regulations purport to require a medical graduate with expertise along with a good attitude and values, which is apparent on a reading of Regulation 2 of the Regulations.

“2. Indian Medical Graduate Training Programme :

*The undergraduate medical education programme is designed with a goal to create an “Indian Medical Graduate” (IMG) possessing **requisite knowledge, skills, attitudes, values and responsiveness**, so that she or he may function appropriately and effectively as a physician of first contact of the community while being globally relevant. To achieve this, the following national and institutional goals for the learner of the Indian Medical Graduate training programme are hereby prescribed:-*

2.1.....”

7. The lynchpin in this case is the understanding of the purport of Regulation 7.7 and 11.2.7(a) of the Regulations on Graduate Medical Education. The Regulation 7.7 of the Regulations reads as under;

“7.7 No more than four attempts shall be allowed for a candidate to pass the first Professional examination. The total period for successful completion of the first Professional course shall not exceed four (4) years. Partial attendance of examination in any subject shall be counted as an attempt.”

8. The Regulation 11.2.7(a)(2) of the Regulations reiterates the same and it reads as follows;

“(a) First Professional

1. The first Professional examination shall be held at the end of first Professional training (1+12 months), in the subjects of Human Anatomy, Physiology and Biochemistry.

2. A maximum number of four permissible attempts would be available to clear the first Professional University examination, whereby the first Professional course will have to be cleared within 4 years of admission to the said course. Partial attendance at any University examination shall be counted as an availed attempt.”

9. A reading of the above Regulations indicates that the maximum outer limit for completing the first Professional examination is four (04) years and four (04) attempts can be made within this outer limit of four (4) years. But, the question is how to calculate the four (04) years period prescribed under the Regulations, when the students take break from the college on account of genuine reasons like financial stringencies in case of individuals, who joined in payment seats or on account of health issues etc.,

10. The purpose of the Regulations as apparent from Regulation 2 is to ensure that able and competent medical graduates with good attitude and values are not mixed up with faltering students, who are unable to complete the M.B.B.S., Course within statutorily specified timelines. The Regulations enable the authorities to disqualify faltering students. That is not so, in the present case on hand as the student in this case had taken a break from pursuing M.B.B.S., on account of financial issues for more than two (02) years and rejoined the course with the permission of the University by paying Rs.62,00,000/- towards the fees on rejoining.

11. In the opinion of this Court, the break period in such genuine cases should not be counted for calculating four (04) years period as the break period has nothing to do with the ability or the competency of the student and the purport of the Regulations. After all, no student in normal circumstances would take a break from M.B.B.S., Course after securing admission going through gruelling preparation for NEET-UG entrance examination.

12. If the Regulations referred to supra are to be understood in literal sense, that would lead to disqualification of students who have taken a break from education under compelling reasons and such an approach would make the Regulations irrational. Whenever, a Regulation or a statute is being understood, irrationality has to be avoided and rationality has to be read in, to make it constitutionally sane.

13. In ***K.P. Varghese Vs Income Tax Commissioner***¹, the Hon'ble Supreme Court held that a condition which brings rationale and sensibility to a provision of law has to be read into it, though such condition is not expressly stated. The relevant part of the Judgement is extracted below;

¹ AIR 1981 SC 1922

*“We must therefore eschew literalness in the interpretation of section 52 sub-section (2) and try to arrive at an interpretation which avoids this absurdity and mischief and makes the provision rational and sensible, unless of course, our hands are tied and we cannot find any escape from the tyranny of the literal interpretation. It is now a well settled rule of construction that where the plain literal interpretation of a statutory provision produces a manifestly absurd and unjust result which could never have been intended by the legislature, the court may modify the language used by the legislature or even 'do some violence' to it, so as to achieve the obvious intention of the legislature and produce a rational construction, Vide: Luke Inland Revenue Commissioner(1) **The Court may also in such a case read into the statutory provision a condition which, though not expressed, is implicit as constituting the basic assumption underlying the statutory provision.**”*

14. The above Judgment was consistently referred to by the Hon'ble Supreme Court in subsequent Judgments. The observations in **Narcotics Control Bureau v. Kashif**² would also be relevant in the facts of this case.

“48. It hardly needs to be reiterated that every law is designed to further ends of justice and not to frustrate it on mere technicalities. If the language of a statute in its ordinary meaning and grammatical construction leads to a manifest

² (2024) 11 SCC 372

contradiction of the apparent purpose of the enactment, a construction may be put upon it which modifies the meaning of the words, or even the structure of the sentence. It is equally settled legal position that where the main object and intention of a statute are clear, it must not be reduced to a nullity by the draftsman's unskillfulness or ignorance of the law. In Maxwell on Interpretation of Statutes, Tenth Edn. at p. 229, the following passage is found:

"Where the language of a statute, in its ordinary meaning and grammatical construction, leads to a manifest contradiction of the apparent purpose of the enactment, or to some inconvenience or absurdity, hardship or injustice, presumably not intended, a construction may be put upon it which modifies the meaning of the words, and even the structure of the sentence. ... Where the main object and intention of a statute are clear, it must not be reduced to a nullity by the draftsman's unskillfulness or ignorance of the law, except in a case of necessity, or the absolute intractability of the language used."

49. As observed by this Court in K.P. Varghese v. CIT, a statutory provision must be so construed, if it is possible, that absurdity and mischief may be avoided. Where the plain and literal interpretation of statutory provision produces a manifestly absurd and unjust result, the court may modify the language used by the legislature or even do some violence to it, so as to achieve the obvious intention of the legislature and produce a rational construction and just result."

15. It is relevant to note that pursuant to the interim order of this Court in I.A.No.2 of 2025 passed on 15.09.2025, the student appeared in the examination held in September, 2025 passed First year with good scores. Effectively, the student in this case had qualified in the examination in the second attempt with good scores and is soon going to complete 2nd year M.B.B.S. At this stage, to deny pursuit of academics and a Doctor to the society would be unfair.

16. For the aforesaid reasons, the Writ Petition is allowed and the daughter of the Petitioner is declared to be entitled to pursue M.B.B.S., Course at Respondent No.5-College.

17. No order as to costs.

18. As a sequel, pending applications, if any, shall stand closed.

NYAPATHY VIJAY, J

Date: 18.06.2026

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Note: L.R Copy marked.

Reserved Date: 06.05.2026
Pronouncement Date: 18.06.2026
Date of Upload: 18.06.2026

HON'BLE SRI JUSTICE NYAPATHY VIJAY

WRIT PETITION No.22689 of 2025

Date: 18.06.2026

Note: L.R. Copy marked.

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