Court No. - 7

Case :- WRIT - C No. - 8192 of 2023

Petitioner :- Danish Hasan Siddiqui
Respondent :- State Of U.P. Thru. Addl. Chief Secy., Deptt. Of Medical Education, Lucknow And 3 Others
Counsel for Petitioner :- Alok Kr. Misra,Ajeet Kumar Mishra
Counsel for Respondent :- C.S.C.,Gyanendra Kumar Srivastava

Hon'ble Abdul Moin,J.

1. Heard learned counsel for the petitioner, learned Standing Counsel for respondent no.1 and Sri Gyanendra Kumar Srivastava, learned counsel for respondents no.2 to 4.

2. Instant petition has been filed by a student of MBBS first year praying for reevaluation of the answer books of Anatomy and Physiology subjects for the year 2021-2022.

3. A preliminary objection has been taken by Sri Saharsh, learned Standing Counsel, and Sri Gyanendra Kumar Srivastava, learned counsel for respondents no.2 to 4, that keeping in view the judgment of the Apex Court in the case of **Dr. B.R. Ambedkar University, Agra vs. Devarsh Nath Gupta and others - 2023 SCC OnLine SC 970,** as there is no provision for reevaluation in the statute of the University consequently no directions for reevaluation can be issued by this Court.

4. A perusal of the judgment of the Apex Court in the case of **Devarsh Nath Gupta (supra)** would indicate that the Apex Court has held that in the absence of any provision of reevaluation in the statute of the University no writ of mandamus would lie for the said purpose.

5. Sri Gyanendra Kumar Srivastava, learned counsel for the respondents, points out that in the statute of the University there is no provision of reevaluation.

6. Considering the aforesaid and also keeping in view the law laid down by the Apex Court in the case of **Devarsh Nath Gupta (supra)** no case for issue of a writ in the nature of mandamus as prayed for by the petitioner for reevaluation is made out. Accordingly, the writ petition is dismissed.

Order Date :- 11.10.2023
A. Katiyar

Digitally signed by :-
AMIT KATIYAR
High Court of Judicature at Allahabad,
Lucknow Bench