

**IN THE HIGH COURT OF MANIPUR
AT IMPHAL**

WP(C) No. 3 of 2025

Aribam Suraj Sharma.

...Petitioner

- Versus -

State of Manipur & 4 Ors.

...Respondents

**With
MC(WP(C)) No. 2 of 2025**

**B E F O R E
HON'BLE MR. JUSTICE A. GUNESHWAR SHARMA**

ORDER

27-02-2025

[1] Heard Mr. N. Ibotombi, learned senior counsel assisted by Mrs. N. Savitri, learned counsel for the petitioner; Mr. Th. Sukumar, learned Government Advocate for respondent Nos. 1 & 2; and Mr. Deepak Prasad Sahu, learned counsel for respondent Nos. 3, 4 & 5/Manipur University.

[2] The petitioner, who is a student of MBBS Phase-I in Jawaharlal Nehru Institute of Medical Sciences, Porompat (JNIMS) with Roll No. 23093 appeared in the MBBS Phase-I Examination, 2024 (Supplementary) and in the said examination, he scored 40 marks in Anatomy Theory Paper I, 39 marks in Theory Paper II and 72 marks in Practical.

[3] As per the guidelines issued by the National Medical Commission, in a subject having two papers, the candidate must secure minimum 40% of marks in aggregate (both papers together) to pass the said subject.

[4] The petitioner has exhausted four attempts and has no chance to appear in the MBBS Phase-I Examination. It is also pointed out that in the

earlier MBBS Phase-I Examination, 2023 (Supplementary), the petitioner scored 41 and 55 marks in Anatomy Theory Paper I and II. However, he could not appear in the Practical Examination due to a road traffic accident and was admitted to Shija Hospitals & Research Institute Pvt. Ltd. at that time.

[5] In the circumstance, the petitioner submitted representations dated 26-12-2024 to the Vice Chancellor, Manipur University and the Controller of Examination, Manipur University for re-scrutiny and re-evaluation of answer sheets of Anatomy, Theory Paper I & II of MBBS Phase-I Examination, 2024 (Supplementary).

[6] During the pendency of the representation, the petitioner approached this Court praying for the following reliefs:—

- “(a)
- (b)
- (c) to issue a writ in the nature of mandamus directing the official respondent Nos. 3 to 5 to extend the benefit of one grace mark to the case of the petitioner either in the subject of Anatomy, Theory Paper I or Theory Paper II of MBBS Phase-I Examination, 2024 (Supplementary) as provided under Regulation 22 of the Manipur University’s Admission and Examination Regulation for the 4 (four) years under Graduate Programmes in Sciences, Arts, Commerce and other streams, 2022;
- (d) to issue a further writ in the nature of mandamus or any other appropriate writ by directing the official respondents Nos. 3 to 5 to positively consider and dispose of the representation dated 26-12-2024 of the humble petitioner to re-evaluate his answer sheets of Anatomy, Theory Paper I & II of MBBS Phase-I Examination, 2024 (Supplementary) conducted by

the Manipur University wherein the petitioner appeared from Jawaharlal Nehru Institute of Medical Sciences (JNIMS), Imphal, under MU Regd. No. 2200320026 of 2022 and examination Roll No. 23093 and/or in the alternative, to direct the official respondent Nos. 3 to 5 to positively consider and dispose of the representation dated 26-12-2024 of the petitioner by allowing re-scrutiny and re-evaluation thereof (at Annexure-A/9 hereof);

(e)

(f)"

[7] While issuing notice vide order dated 07-01-2025, this Court permitted Manipur University authority to consider and dispose of the representation dated 26-12-2024 submitted by the petitioner by a speaking order and in compliance of the order dated 07-01-2025, the Registrar, Manipur University issued office orders No. 885 dated 03-02-2025 stating that:—

"Whereas, in view of the above rules and guidelines, the grievances of Suraj Sharma regarding for awarding of grace marks and re-evaluation of his answer scripts are not under the rules and regulations indicated above. Besides, the rule of attempting four times has already been exhausted.

Now, therefore, after thorough consideration of the case of Suraj Sharma as mentioned above, the request made by him for extending grace marks cannot be allowed. As such, the said representation dated 26.12.2024 submitted by him is hereby disposed of accordingly. This is issued in compliance with the order dated 07.01.2025, passed by the Hon'ble High Court of Manipur in Writ Petition (C) No. 3 of 2025 with MC(WP(C)) No. 2 of 2025 respectively."

[8] In the office orders No. 885 dated 03-02-2025, it is also stated that there is no provision for awarding of grace marks marks in terms of the

guidelines of the National Medical Commission (Undergraduate Medical Education Board).

[9] As per Rule 22 of the Manipur University's Admission and Examination Regulations for the Four-Year Undergraduate Programmes in Science, Arts, Commerce and other Streams, 2022, there is a provision of one grace mark to be awarded due to shortage of one mark. However, the same is not applicable in MBBS Course. It is also stated that as per Rule 21 of the Regulations, there is no provision for re-evaluation of the answer scripts.

[10] During the course of hearing, Mr. N. Ibotombi, learned senior counsel for the petitioner, submits that since the representation has been disposed of and the petitioner has also exhausted four attempts to appear in MBBS Phase-I Examination, the petitioner is confining to consider for re-evaluation of answer sheets of Anatomy, Theory Paper I and II of MBBS Phase-I Examination, 2024 (Supplementary) as per relevant rules issued by National Medical Commission, Guidelines under Graduate Medical Education Regulation 2023.

[11] Mr. N. Ibotombi, learned senior counsel for the petitioner, draws the attention of this Court to the draft Post-Graduate Medical Education Regulations-2023 issued by the National Medical Commission (Post Graduate Medical Education Board) wherein Chapter VIII Rule 8.3 (c) specially provides that after the computation and declaration of the results, under no circumstances, re-evaluation is permitted by any authority. However, in the case of guidelines under Graduate Medical Education

Regulations 2023 issued by the National Medical Commission (Undergraduate Medical Education Board), there is no such bar except for the fact that a candidate is allowed to appear for the examination four times.

[12] In the present case, the petitioner has already availed four number of chances for appearing in the Anatomy subject supplementary examination and there is a shortage of one mark.

[13] Mr. N. Ibotombi, learned senior counsel for the petitioner, states that since the rules issued by the National Medical Commission for MBBS Course does not specifically bar re-evaluation, a direction may be issued to the Manipur University authority to re-evaluate as an exceptional case in view of the peculiar facts of the present case, otherwise this is the end of the career of the petitioner.

[14] Mr. Th. Sukumar, learned Government Advocate, submits that the State respondents have no much role with respect to the limited prayer made by the learned senior counsel for the petitioner.

[15] On the other hand, Mr. Deepak Prasad Sahu, learned counsel for the Manipur University, submits that there is no specific rule for re-evaluation of the answer scripts of the candidate appearing in the medical examination under any rules framed by the Manipur University and marks can be re-scrutinized and cannot be re-evaluated. The process of re-scrutiny has already been conducted as mentioned in the order dated 03-02-2025 issued by the Registrar, Manipur University.

[16] This Court has considered the material on record and the petitioner has exhausted all the four chances of appearing in the supplementary examination for subject of Anatomy in MBBS course. Since

the guidelines issued by the National Medical Council for Under Graduate Medical Education Regulation 2023 has not mentioned about the re-evaluation and in the peculiar facts and circumstances of the case, this Court directs the Manipur University authority to re-evaluate the answer scripts of the petitioner, Aribam Suraj Sharma, in Anatomy Theory Paper I and Paper II under Roll No. 23093 appearing for MBBS Phase-I Examination, 2024 (Supplementary). This exercise should be completed within a period of one month from the date of receipt of a copy of this order.

[17] It is made clear that this direction is passed in the peculiar facts and circumstances of the present case and shall not be a precedent.

[18] With this observation, the writ petition is disposed of.

[19] MC(WP(C)) No. 2 of 2025 is also disposed of.

[20] Furnish a copy of this order to the learned counsel appearing for the parties.

JUDGE

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