

THE HIGH COURT OF TRIPURA
AGARTALA

WP(C) 290 OF 2015

Smti Deepshikha Das

D/O. Shri Abhijit Das,
Resident of Milan Sangha,
Bardowali, PO & PS: A.D. Nagar,
Agartala, District:-West Tripura,
Pin- 799003.

..... **Petitioner.**

- V e r s u s -

1. **Society for the Tripura Medical College
and Dr. BRAM Teaching Hospital,**
Hapania, Agartala,
District:- West Tripura,
Pin- 799014, represented by the
Chief Executive Officer.
2. **Principal, Tripura Medical College
and Dr. BRAM Teaching Hospital,**
Hapania, Agartala,
District:- West Tripura,
Pin:-799014.
3. **Chairman, Tripura Medical College
and Dr. BRAM Teaching Hospital,**
Hapania, Agartala, District:- West Tripura,
Pin-799014.

..... **Respondents.**

BEFORE
HON'BLE THE CHIEF JUSTICE MR. DEEPAK GUPTA
HON'BLE MR. JUSTICE U.B. SAHA

For the petitioner	: Mr. A.K. Bhowmik, Sr. Advocate, Mr. P. Roy Barman, Advocate, Mr. R. Dutta, Advocate.
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For the respondents	: None
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Date of hearing and delivery of judgment and order.	: 23.07.2015.
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Whether fit for reporting	: NO.
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JUDGMENT & ORDER (ORAL)

(Deepak Gupta, C.J.)

The petitioner by means of this petition has prayed for quashing of the communication dated 17.7.2015 sent to her and her main prayer is that her answer sheet in the subject of Biology be corrected and 3 (three) of the questions which she has rightly answered should be treated to be correct answers and she should be awarded 3(three) marks for the same.

2. The undisputed facts are that the respondent Dr. B.R. Ambedkar Memorial Teaching Hospital conducted entrance examination for filling up the seats in MBBS Course in the Medical Colleges. The examination was conducted by holding multiple choice questions test. This examination was held on 24.5.2015. The model answer key was published on the same evening on 24.5.2015 itself. At that stage, the petitioner made no objection to the model answer key. Thereafter, a revised answer key was issued by the hospital on 28.5.2015. This answer key was also not challenged by the petitioner. On 14.7.2015 the petitioner for the first time sent a written communication to the Chairman, Tripura Medical College in which she stated that the answers to question Nos. 63, 74 and 84 in the key answer sheet were wrong and she relied upon some model books in support of her claim.

3. This Court is not going into the question as to whether the contention of the petitioner that the model answer key is right or not. In our view, the petition is highly belated. The fact of the

matter is that the test was conducted on 24.5.2015. The first answer key was published on 24.5.2015 itself. If any student had any grievance against the model answer key, that student is expected to make an objection to the same within a day or two. Thereafter, the revised answer key was issued on 28.5.2015 but no objection to the same was made. The result was prepared on 10.6.2015 which showed that the petitioner was awarded 59 marks. The petitioner kept silent for more than a month.

4. It is urged by Mr. A.K. Bhowmik, learned Sr. Counsel that the petitioner was running from pillar to post. We do not understand how a person can run from pillar to post if that person does not even make a representation to the department concerned.

5. We have been informed that after the first counselling some of the candidates have been selected on the basis of the first counselling. That selection has been done on the basis of the revised answer key and on the basis of the result which was declared on 10.6.2015. We cannot now re-open the question whether the answers are right or wrong because that result has been published and acted upon and if we enter into this debate as to whether the answer keys are correct or not, the rights of the persons who have already been selected may also be affected.

6. It appears that now since in the second counselling students with 62 and 63 marks have been called for interview, the petitioner has woken from her slumber and has now tried to rake

up this issue because she may fall within the zone of consideration in the third round of counselling. We cannot permit this to happen.

7. We are, therefore, of the considered view that this petition cannot be entertained at this stage. The same is accordingly rejected.

8. The writ petition is accordingly dismissed. No costs.

JUDGE

CHIEF JUSTICE