

THE HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

-
WRIT PETITION No.23346 of 2015

DATE 20-08-2015

Between:

Nittala Rigved

... Petitioner

And

1. Sri Venkateswara Institute of Medical Sciences, Tirumala
Tirupati Devasthanam, rep. by its Director, Tirupati, Chittoor
District, Andhra Pradesh State, and others.

... Respondents

THE HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

W.P.No.23346 of 2015

ORDER:

Heard learned counsel for the petitioner and learned Standing Counsel for the respondents.

The petitioner passed M.B.B.S. in the year 2008 from Government Medical College Baroda, Gujarat State. He was also qualified in M.S (General Surgery) from Government Medical College, Kozhikode, Kerala in the year 2013, and has been practising medical profession. He appeared for the entrance test for P.G. Super Specialty i.e., M.Ch. Surgical Oncology course conducted by the 1st respondent for the Academic year 2015-16. When the 1st respondent issued prospectus for PG (DM/MCh) courses for the academic year 2015-16, he applied for the same. Two seats were allocated for M.Ch surgical Oncology in the P.G. College of SVIMS, Tirupati. The entrance test consists of 100 objective type questions carrying one mark each. Qualifying marks are 50 out of 100. The petitioner appeared for the entrance test on 11.07.2015. The question paper and provisional key were released on 13.07.2015. The petitioner submitted his objections to the provisional key in respect of question Nos.6, 41, 48, 51, 91, 97, 99 and 100 within the prescribed time on 14.07.2015 at 10 a.m. and another at 3.p.m. The final key was released on 21.07.2015 duly providing for downloading of rank card only on 22.07.2015. The petitioner secured 81 marks out of 100 and got 11th rank. Challenging the non-consideration of his objections to the provisional key, the petitioner filed the present writ petition.

This Court, keeping in view the involvement of career of the

student, by order dated 7.08.2015 directed the petitioner to submit a copy of the question numbers given in the entrance test along with the objections, and provisional key to the NTR University of Health Sciences, Vijayawada, and the Registrar of the said University was entrusted with the job of verifying whether the provisional key is correct or the objections submitted by the petitioner are correct, to a subject expert and submit a report.

Accordingly the petitioner complied with the same. After receipt of the representation of the petitioner, the NTR University of Health Sciences, Vijayawada, entrusted the job to subject experts, viz., 1) Dr. M. Srinivasulu, Professor & HOD of Surgical Oncology, OMC/MNJ, Hyderabad and 2) Dr. Umakanth Goud, Assistant Professor & HOD, Surgical Oncology, MNJ, Hyderabad and both of them submitted their report. As per the said report, the answers suggested by the petitioner and the answer contained in provisional key in respect of question No.6 is also correct. In respect of question No.48 the provisional key contains choice 'A' whereas the petitioner stated 'A' & 'C' as correct, and the expert opined only 'A' as correct. Similarly, in respect of question No.9, the provisional key indicated 'A' as the answer and the petitioner suggested 'A' & 'B' as the answer and the expert opined only 'A' as correct answer. Thus it is clear that only in respect of one question the answer suggested by the petitioner was found to be correct along with the provisional key and in respect of another questions the answers suggested by the petitioners were found to be not correct.

Admittedly, there are only two seats and the petitioner secured 11th rank. The learned Standing Counsel for the respondent submits that the classes have been commenced from 3.08.2015 and in view of commencement of classes, no relief can be granted to the petitioner.

Learned counsel for the petitioner, on the other hand, submitted that the first two rankers are going to vacate their seats in which event the petitioner may get a chance.

This court is not in agreement with the said argument as the rank obtained by the petitioner is 11 and even if the benefit of the answers suggested by the experts is given to the petitioner, the same has to be extended to other candidates also. Even it is assumed that the answers in respect of two questions suggested by the petitioner are correct, the petitioner may at the most get two more marks and may scale up by two more ranks. The marks obtained by the petitioner are 81 whereas there are five candidates, who got higher marks than him. Even the submission of the learned counsel for the petitioner that two top rank holders are going to vacate their seats is accepted, there will be three more candidates, who got 86, 85 and 84 for filling up of the seats.

In the circumstances, there are no merits in the writ petition, and the same is accordingly dismissed. Consequently, pending miscellaneous petitions, if any, shall stand closed. No order as to costs.

A. RAMALINGESWARA RAO, J.

20th August, 2015
Js.