

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (C) No. 1760 of 2016**

Shini Choubey daughter of Shri Anurag Choubey, aged about 19 years,
resident of 1/9 Shankari Marg, Choubey Colony, Raipur, Distt. Raipur (CG)

---- **Petitioner**

Versus

1. State of Chhattisgarh through the Secretary, Public Health and Family Welfare Department, Mantralaya, New Raipur, PS Rakhi, District Raipur (CG).
2. The Director of Medical Education, Old Nursing Hospital, DKS Bhawan, Raipur, District Raipur (CG).
3. The Chhattisgarh Professional Examination Board, through its Secretary, Pension Bada, Raipur, District Raipur (CG).

---- **Respondents**

For Petitioner	:	Shri Vivek Ranjan Tiwari and Shri Sanjay Sharma, Advocates.
For Respondent/State	:	Shri Prafull Bharat, Additional Advocate General.
For Respondent No.3	:	Dr. Sourabh Pandey, Advocate.

Hon'ble The Chief Justice
Hon'ble Shri Justice P. Sam Koshy

Order On Board

Per, Deepak Gupta, C.J.

13/07/2016

1. The writ petitioner has challenged the correctness of marks awarded to her by the respondent No.3-Chhattisgarh Professional Examination Board. Raipur.
2. We have passed a detailed judgment on 12.07.2016 in Writ Petition (C) No.1670 of 2016 as to how the marks are to be calculated. We have held that the Board is entitled to apply the method of scaling, but we have observed that the scaling should be applied together in paper-1 and paper-2. No further sub-division should

be made separately for the paper of Physics, Chemistry, Botany and Zoology.

3. In paper-1 the petitioner has received 46 marks out of 100 marks. 11 questions have been invalidated and by applying the method of scaling, she got 51.6853 marks. In paper-2 she again obtained 46 marks out of 100 marks and only one question was invalidated in paper-2, therefore, after scaling she got 46.46465 marks. The total is 98.14995. This is below the 50 percent required and thus, the petitioner is not qualified after scaling. As such, the writ petition is rejected.

Sd/-

(Deepak Gupta)
Chief Justice

Sd/-

(P.Sam Koshy)
Judge