

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.07.2016

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.16884/2016 & WMP.Nos.14473 & 14474/2016

P.Tamilarasi

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Petitioner

Versus

1.The Registrar

The Tamilnadu Dr.MGR
Medical University,
No.69, Mount Road, Guindy
chennai 600 032.

2.The Controller of Examination

The Tamilnadu Dr.MGR
Medical University, No.69,
Mount Road, Guindy, Chennai 600032. .. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking for a writ of certiorarified mandamus calling for the records pertaining to the The Tamilnadu Dr.MGR Medical University-Statement of Marks [with Name of the Candidate Tamilarasi.P. & Registration No.52113542] dated 21.03.2016 on the file of the 2nd respondent, quash the same insofar as it relates to subject code 524081 & 524082 [General Medicine Paper I & Paper II] and to direct the 2nd respondent to re-evaluate the same, in accordance with the answers available in the standard/prescribed texts meant for the General Medicine subject.

For Petitioner :M/s.S.Sridevi

For R1 & R2 :Mr.G.Hari Hara Arun Soma Shankar

ORDER

By consent, the writ petition is taken up for final disposal.

2 The petitioner after completing Higher Secondary Course, joined Madha Medical College and Hospital during the academic year 2011-12. The petitioner would further state that the 2nd respondent had

conducted examinations during August 2012, February 2014, February 2015 and February 2016 and she has appeared in the Third Year Part II Examinations in February 2016 which consists of four subjects, viz., [1] General Medicine [Paper I & Paper II] ; [2] General Surgery [Paper I & Paper II], [3] Obstetrics Gynaecology and Family Welfare [Paper I & Paper II] and [4] Paediatrics including Neonatology and in respect of subjects 2, 3 and 4, she has passed and insofar as the first subject is concerned, viz. General Medicine [Paper I & Paper II] she was declared "Fail" by the 2nd respondent / University. According to the petitioner, a candidate has to secure 70 marks in aggregate in Paper I & Paper II [both written] and also marks awarded for Viva Voce and she has been awarded 67 marks in total and she is said to have been declared as "failed. According to her, while evaluating the General Medicine [Paper I], though she has answered the question pertaining to "Leptospirosis" correctly and in stead of awarding 10 marks, she was

awarded only "4 marks" and insofar as similar thing has happened to Question No.1 in respect of Part-III of General Medicine [Paper I] also and therefore, the petitioner came forward to file the present writ petition, challenging the legality of the Statement of Marks issued to her dated 21.03.2016.

3 The matter was listed on 06.06.2016 for admission and Mr.G.Hari Hara Arun Soma Shankar, accepted notice on behalf of the respondents 1 and 2 and the matter was directed to be listed on 28.06.2016 and from that day, it was adjourned to 04.07.2016 and this Court, directed the learned Standing Counsel for the respondent / University to produce the Key Answers and accordingly, it has been produced before this Court today in a sealed cover.

4 The learned counsel for the petitioner, would submit in sum and substance that the answers given by the petitioner to the said questions are correct and therefore, full marks should have been awarded and prays for appropriate orders.

5 Per contra, the learned Standing Counsel appearing for the respondents 1 and 2 has drawn the attention of this Court to the counter affidavit filed and would submit that the re-evaluation sought for by the petitioner is contrary to the Regulations in force of the respondent / University and in the 234th Meeting of the Governing Council held on 30.03.2014, a decision has been

taken to select the higher of the two marks in the double evaluation system introduced for all Under Graduate and Post Graduate courses, regular and arrear batches in February 2015 examinations and the double evaluation shall be done for all answer scripts that are awarded marks below the minimum required for a "pass" in the theory paper during the first evaluation and the average of the two evaluations or the first evaluation mark, whichever is higher will be taken as the final mark and accordingly, the petitioner has failed in the said paper. It is the further submission of the learned Standing Counsel that 3025 candidates have appeared for the said paper out of which 2827 candidates constituting 93.5% have passed in the said subject and 198 candidates, constituting 6.5% have failed in the said examination and the petitioner is one of the 33 failed candidates and therefore, the petitioner cannot express any grievance upon the same and prays for dismissal of the writ petition.

6 This Court has carefully considered the rival submissions and also perused the materials placed before it.

7 It is a well settled position of law that in the absence of any specific Regulations / Rules, permitting the concerned candidate to apply for re-evaluation cannot be done as a matter of right. Since it is pleaded by the learned counsel for the petitioner that the petitioner had failed the said subject with a margin of very few marks, this Court, exercising its discretion, has called for the Key Answers and also compared with the answers given by the petitioner and found that since the answers given by the petitioner are not fully in consonance with the Key Answers and hence, she has been awarded less marks.

8 This Court, cannot sit in the armchair of the Academic Experts and evaluate the answers given by the petitioner. The Key Answers formulated by the respondent / University is to be given due weightage unless it is substantiated that those answers are not correct. Moreover, the scope of interference of this Court in exercise of jurisdiction under Article 226 of the Constitution of India is very limited in these kind of matters.

9 In the light of the reasons assigned above,
<https://hcservices.ecourts.gov.in/hcservices/>

this Court is of the view that the writ petition deserves dismissal and accordingly, the writ petition is dismissed. No costs. Consequently, the connected miscellaneous petitions are also dismissed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

AP

To

1.The Registrar

The Tamilnadu Dr.MGR
Medical University,
No.69, Mount Road, Guindy
chennai 600 032.

2.The Controller of Examination

The Tamilnadu Dr.MGR
Medical University, No.69,
Mount Road, Guindy, Chennai 600032.

1 cc to Mr.R.Selvakumar, Advocate, sr.40287

1 cc to Mr.G.HariharaArun Soma Shankar, Advocate, sr.40281

W.P.No.16884/2016

gr co

kra 05.08.2016

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