

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****Writ Appeal No. 79 of 2017**

1. Niraj Kumar Rajak S/o Shri Chhabbi Nath Ram, aged about 23 years, R/o. C/o. Mukesh Sahu, Behind Police Chowki, Near Kanji House, Anjora, P. S. Anjora, District Durg (Chhattisgarh)
2. S. K. Tarikuj Zaman S/o Shri S. K. Safuil Ali, aged about 23 years, R/o. C/o. Mukesh Sahu, Behind Police Chowki, Near Kanji House, Anjora, P. S. Anjora, District Durg (Chhattisgarh)
3. Pankaj Kumar S/o Chandrama Manjhi, aged about 23 years, R/o. C/o. Mukesh Sahu, Behind Police Chowki, Near Kanji House, Anjora, P. S. Anjora, District Durg (Chhattisgarh)
4. Ashok Kumar S/o Shri Lallu Prasad Sharma, aged about 23 years, R/o. C/o. Mukesh Sahu, Behind Police Chowki, Near Kanji House, Anjora, P. S. Anjora, District Durg (Chhattisgarh)

---- Appellants**Versus**

1. State of Chhattisgarh through the Secretary, Department of Health and Family Welfare, Mahanadi Bhawan, New Mantralaya, Raipur (Chhattisgarh)
2. The Director, Department of Medical Education, Raipur (Chhattisgarh)
3. Ayush and Health Sciences University of Chhattisgarh, through its Registrar, Raipur (Chhattisgarh)
4. Maitri College of Dentistry and Research Centre, through Principal, Maitri College of Dentistry and Research Centre, Anjora, P. S. Anjora, District Durg (Chhattisgarh)
5. Renuka Sarkar D/o. Shri G. M. Sarkar, aged about 22 years, R/o. C/o. Mukesh Sahu, Behind Police Chowki, Near Kanji House, Anjora, P. S. Anjora, District Durg (Chhattisgarh)
6. Koohinoor Chandrakar S/o Shri Lalit Chandrakar, aged about 23 years, R/o. C/o. Mukesh Sahu, Behind Police Chowki, Near Kanji House, Anjora, P. S. Anjora, District Durg (Chhattisgarh)

---- Respondents

For Appellants	:	Shri Praveen Dhurandhar, Advocate
For Respondent/State	:	Shri B. Gopa Kumar, Dy. Advocate General

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

Order on Board**Per Thottathil B. Radhakrishnan, Chief Justice**

29/03/2017

We have heard the learned counsel for the Appellants and the learned Deputy Advocate General for the State.

2. This appeal is against the decision of the learned Single Judge dismissing the challenge levelled against the evaluation of answer script for various courses.

3. Facts of the matter remains that the Appellants had failed five times in three years for a particular paper. Initially they had challenged the vires of the relevant Rules. That was repealed by the Division Bench. Thereafter, they moved the learned Single Judge confining the challenge to the question of revaluation. The pointed issue which appears to have been presented before the learned Single Judge at the time of hearing and the only issue which has projected before us at the hearing of this appeal is that the question paper did not give the delineated rate of marks allotted to each question.

4. We have seen Annexure P-3 question paper and Annexure R-3/4 placed by the University.

5. Annexure P-3 question paper contains five questions. The 'Note' to the question paper reflects that all questions have to be attempted and that well labelled diagrams have to be drawn wherever necessary. It is the admitted case that the Appellants attempted all the five questions. If that were so, they cannot turn round to say that they could have made a choice as between the questions, if they had known as to which would bring them higher marks. In such a situation there would be no relevance for the different marks which are earmarked for the five different questions.

6. Adverting to Annexure R-3/4, it can be seen that the marks are delineated in such a way that the checker (the person who examines the answer sheet) would have the information as to the maximum marks that could be allotted to the answer of a question. Such delineation of marks does not in any manner affect the candidate who had attempted to write answer to all the questions. In such circumstances, notwithstanding the reasons rendered by the

learned Single Judge through the impugned judgment, the said verdict is only to be affirmed otherwise as well.

7. We do not see any ground to interfere with the impugned judgment. This Writ Appeal therefore fails and is accordingly dismissed.

Sd/-
(Thottathil B. Radhakrishnan)
CHIEF JUSTICE

Sd/-
(P. Sam Koshy)
JUDGE