

Sr.No.218+219

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP No. 9078 of 2017(O&M)

Date of decision:24.05.2017

Dr. Neetika Kalra

.....Petitioner

versus

State of Punjab and others

.....Respondents

CWP No. 10150 of 2017(O&M)

Dr. Sandeep Kumar

.....Petitioner

versus

State of Punjab and others

.....Respondents

Coram: Hon'ble Mr.Justice Rakesh Kumar Jain

Present: Mr. Gagneshwar Walia, Advocate(9078/2017)
Mr. Gurminder Singh, Sr. Advocate with
Mr. RPS Bara, Advocate(10150/2017)
for the petitioner.

Mr. Suresh Singla, Addl.AG,Punjab.

Mr. Manpreet Singh Longia, Advocate
for respondent No. 2.

Mr. Gautam Pathania, Advocate
for BFUHS.

Rakesh Kumar Jain, J.(Oral)

This order shall dispose of two writ petitions bearing CWP No. 9078 & 10150 of 2017. However, for the sake of convenience, facts are being extracted from CWP No. 9078 of 2017.

The petitioner is a MD student in the Guru Gobind Singh Medical College, Faridkot, affiliated to the Baba Farid University of Health Sciences, Faridkot. She is aggrieved against the system of E-evaluation of

her theory paper and has prayed that since the E-evaluation system of examining the theory papers has been struck down by this Court in the case of *Raj Bahadur Singh and others vs. MCI and others* CWP No. 18429 of 2016 decided on 15.03.2017, therefore, theory papers attempted in the month of November/December 2016 may also be manually evaluated.

After notice, respondents have put in appearance and filed their respective replies.

Learned counsel for the respondent has submitted that the petitioner was a '*fence-sitter*' who cannot be permitted to take advantage of the judgment of this Court rendered in the case of *Raj Bahadur Singh (supra)* as the same system was adopted by the University when her result in the Month of May/June 2016 was declared which was not challenged by her.

I have heard both the learned counsel for the parties and after examining the available record, am of the considered opinion that the petitioner is not seeking any relief in respect of the examinations she had taken in the month of May/June, 2016 when answer sheets were evaluated by the respondent because at that time it was not held by this Court that E-evaluation system adopted by the University was improper and can not be sustained. Accordingly, the present petition is hereby disposed of directing the respondent-University to evaluate the answer books of the petitioner of the theory examination attempted in the month of November/December, 2016 manually and in terms of the other directions contained in the decision of case of *Raj Bahadur Singh(supra)* including the assessment by two internal examiners of the same institute. The entire exercise shall be done by

the respondent-University within a period of four weeks' from today.

24th May, 2017

Shivani Kaushik

[Rakesh Kumar Jain]

Judge

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>