

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

CWP No. 14439 of 2017 (O&M)  
Date of decision : November 15, 2017

Dr. Avinash Asaram Ghatge

..... Petitioner

v.

Medical Council of India and others

..... Respondents

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**CORAM : HON'BLE MR. JUSTICE AJAY TEWARI**

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Present : Mr. HS Dhindsa, Advocate  
for the petitioner.

Mr. MS Longia, Advocate  
for respondent No.1.

Mr. Aditya Sharda, AAG Punjab

Mr. Gautam Pathania, Advocate  
for respondents No.3 to 5.

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**Ajay Tewari, J (Oral)**

**C.M No.16167 of 2017**

This application is allowed and the replication is taken on record.

**CWP No.14439 of 2017**

By this writ petition, the petitioner has challenged the result of the MDMS exam held in May/June, 2016 wherein he has been declared fail.

Counsel for the petitioner states that this matter is covered by the decision of this Court in Dr. Raj Bahadur Singh and others v. Medical Council of India and others, CWP No.18429 of 2016, decided on 15.3.2017

(Annexure P-2). He points out that in the said case there were four grievances raised by the petitioners therein and in the present case, 2<sup>nd</sup> and 4<sup>th</sup> grievances subsist for the petitioner also. However, as regards the 2<sup>nd</sup> grievance, he would not press the same but the fact remains that the last grievance which was accepted by this Court in the aforesaid case applies to the petitioner. His prayer is that all the papers which were attempted by him be got manually evaluated.

Counsel for the respondents are not in a position to deny that the last grievance which was raised in CWP No.18429 of 2016 (supra) applies to this case also in so much as the papers were evaluated by e-evaluation and some papers containing 10 answers were evaluated within seconds. Counsel for respondent No.3, however, points out that the petitioner has given subsequent exams also and, therefore, it does not lie in his mouth to claim that his original papers be evaluated again. Counsel for the petitioner has argued and rightly so that the subsequent exams were taken without prejudice to the right of the present petitioner.

Resultantly, this writ petition is allowed and respondent No.3-University is directed to get all the papers attempted by the petitioner evaluated manually and fresh result of the petitioner be declared within two months from the receipt of a certified copy of this order.

Since the main case has been decided, the pending C.Ms, if any, also stand disposed of.

( AJAY TEWARI )  
JUDGE

November 15, 2017  
'kk'

**Whether speaking/reasoned:**  
**Whether Reportable:**

**Yes/No**  
**Yes/No**