

CWP No.8811 of 2017

[1]

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

**CWP No.8811 of 2017
Date of decision:01.05.2017**

Dr. Nirvair Singh and another ...Petitioners

Versus

State of Punjab and others ...Respondents

Coram: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. Amandeep Singh Manaise, Advocate,
for the petitioners.

Mr. Amit Chaudhary, Addl. A.G., Punjab.

Mr. M.S.Longia, Advocate, and
Ms. Shivangi Sharma, Advocate, for respondent no.2.

Mr. Gautam Pathania, Advocate,
for respondent no.3.

Rakesh Kumar Jain, J. (Oral)

This petition is filed for the issuance of a writ in the nature of *certiorari* for quashing the result of the Postgraduate Medical Courses of November/December 2016, which are prepared by the University in violation of the procedure prescribed by the Post Graduate Medical Education Regulation, 2000, framed by the Medical Council of India on 07.10.2000.

Counsel for the petitioners has submitted that the controversy involved in this case is squarely covered by a decision of this Court rendered in the case of **Dr. Raj Bahadur Singh and others vs. Medical Council of India and others**, CWP No.18429 of 2016, decided on 15.03.2017. It is submitted that the petitioners failed in practical exams in May/June 2016, therefore, they could not challenge their result and the judgment rendered in **Dr. Raj**

Bahadur Singh's case (supra) pertains to the theory papers only. He has further averred that the petitioners appeared in November/December 2016 in both theory and practicals but have failed in theory papers, which they have challenged in the present petition on the ground that their answer sheets could not have been e-evaluated because of lack of experience and training of the e-evaluators/examiners. It is also submitted that the respondents could not have fixed criteria of securing 40% in each paper and 50% in aggregate, which has also been struck down by this Court to the extent of securing 40% marks in each paper. It is also submitted that the internal examiners were also not appointed from the same institute.

Mr. Pathania, learned counsel appearing on behalf of the respondent-University, has been fair enough to contend that the case of the petitioners is covered by the judgment of this Court rendered in **Dr. Raj Bahadur Singh's case (supra)**.

Consequently, the present petition is hereby disposed of in view of the decision of this Court rendered in **Dr. Raj Bahadur Singh's case (supra)**. It is needles to mention that the respondent-University shall declare result of the petitioner(s), after evaluating their theory papers, within a period of 30 days from the date of receipt of certified copy of this order.

May 01, 2017
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(Rakesh Kumar Jain)
Judge

Whether speaking / reasoned: Yes/No

Whether Reportable: Yes/No