

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Date of Decision: September 21, 2017

+ **LPA 628/2016 & C.M. 41858/2016**

NARENDRA PRASAD

..... Appellant

Through: Mr. Ajay Kumar, Advocate

Versus

UNION OF INDIA & ORS.

..... Respondents

Through: Mr. Anurag Ahluwalia, Advocate
for respondents No.1,3,4 & 5-UIO

Mr. Apoorv Kurup & Ms. Isha Mittal,
Advocates for respondent-UGC

CORAM:

HON'BLE MR. JUSTICE S. RAVINDRA BHAT

HON'BLE MR. JUSTICE SUNIL GAUR

S. RAVINDRA BHAT, J. (OPEN COURT)

1. This appeal is directed against the order of learned Single Judge dismissing the writ petition, in which appellant had sought revaluation of the PG diploma in Medical Radioisotopes Technique examination (DMRIT), in which he had appeared in the year 2010. The examination comprised of two parts. Firstly, the written examination, followed up by a practical test.

2. It was contended before the learned Single Judge that petitioner had completed the practical training but is declared unsuccessful in the written examination. The appellant had approached the Court complaining of victimization and discrimination and furthermore had alleged corruption against certain individuals, who are incharge of checking and revaluation of the examination. The learned Single Judge

rejected the writ petition, briefly holding as follows:-

"However, this Court finds that neither the two Doctors against whom allegation of discrimination has been made have been impleaded as parties nor the alleged Institution has been impleaded as a party. Learned counsel for the petitioner is also not able to tell as to whether there is any rule which permits re-checking of papers.

*The Supreme Court in **H.P. Public Service Commission vs. Mukesh Thakur & Another**, (2010) 6 SCC 759, after referring to earlier decisions has held as under:-*

"27. Thus, the law on the subject emerges to the effect that in absence of any provisions under the Statute or Statutory Rules/ Regulations, the Court should not generally direct revaluation."

Keeping in view the aforesaid, the present writ petition is bereft of merits, and the same is accordingly dismissed along with the application."

3. The appellant's Counsel reiterates the grounds urged before the learned Single Judge in the writ petition. He also urges that the learned Single Judge fell into error in not giving any importance to the allegations, especially those concerning the demands for illegal gratification for checking the examination papers and passing the petitioner. It is contended besides that, others who are less merited, were declared to be clearing the examination and that appellant is in fact victim of discrimination.

4. Learned Counsel for respondent- Union of India on the other hand points out that the appellant was entitled to three chances to clear the examination for DMRIT. He not only exhausted those three chances but

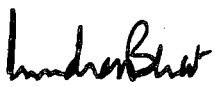
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was even granted one more opportunity as a special case. He was unsuccessful in fourth attempt too. Again acceding to his special request, his examination papers were revaluated. He could not clear the grade even then and in these circumstances, the allegation with respect to *mala fides* attacked completely lack foundation. It is also submitted that no rules permit revaluation other than in the manner provided by the Homi Bhabha National Institute, Mumbai, the institution concerned, as is demanded by the appellant.

5. It is evident from the above discussion that the appellant was provided three chances, which are normally available to all candidates, to clear the examination. Apparently, he was given a special chance as an additional opportunity to clear the examination, which he could not. His request for revaluation was also acceded to. Now appellant's request that there should be a third party revaluation— is a procedure unknown to the Rules, which Supreme Court has framed generally in *H.P. Public Service Commission Vs. Mukesh Thakur & Another* (2010) 6 SCC 759, that has been relied upon by the learned Single Judge.

6. Having regard to these conspicuous facts, this Court is of the opinion that there is no infirmity in the impugned order.

7. The appeal and pending application are dismissed.


S. RAVINDRA BHAT
(JUDGE)


SUNIL GAUR
(JUDGE)

SEPTEMBER 21, 2017/r