

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2854 of 2018

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Kumar Kshitiz Abhinav, Son of Dr Uma Shankar Singh, Resident of Quarter
No 37/34, New Punaichak, Police Station- Shashtri Nagar, District- Patna.

... .. Petitioner/s

Versus

1. Aryabhatta Knowledge University, Chanakya National Law University
Campus, Mithapur Farm Area, Patna through its Registrar.
2. The Vice Chancellor, Aryabhatta Knowledge University, Chanakya National
Law University Campus, Mithapur Farm Area, Patna.
3. The Controller of Examination, Aryabhatta Knowledge University, Chanakya
National Law University Campus, Mithapur Farm Area, Patna.
4. The Principal, Patna Medical College and Hospital, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Jha
For the University : Mr. Awadhesh Kumar

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH**

ORAL ORDER

5 26-10-2018 No reply has been filed to the counter affidavit filed
on behalf of the University, despite one week's adjournment
granted for the said purpose on 07.09.2018.

The petitioner is a student of M.B.B.S. Course in the
Patna Medical College and Hospital, which is under the
Aryabhatta Knowledge University, Patna. He is seeking a
direction to the Respondent-University to re-evaluate his
answer-sheets of Medicine Paper-II, Surgery Theory Paper-I and
Surgery Paper-II of 3rd Professional Part-II, M.B.B.S.
Examination, 2016, held in January, 2017. According to him, the
evaluation has been wrongly done by the respondents and the



marks which have been awarded to him is less than what the petitioner was entitled to.

In the counter affidavit filed on behalf of the University, it has been stated that a meeting for consideration of the applications relating to the answer-books, collected through the Right to Information Act by the students of Aryabhata Knowledge University was held on 25.11.2017 and based on the application and perusal of the attached photo copies of the answer-sheets, the Committee found in case of the petitioner that no action was required. The decision of the Committee has been communicated to the petitioner

Dealing with the power of the Vice-Chancellor under Clause 21(d) of the Statutes of the University to order for re-evaluation of the answer-sheets, it has been stated in the counter affidavit that there is no material for the Vice-Chancellor to form his satisfaction that evaluation of the answer sheets has not been fairly done or that the evaluation has been done in violation of the provisions of the Statutes, Regulations, Ordinance, or Rules.

In view of the averments made in the counter affidavit, I do not find any reason to issue direction, as being sought in the present writ application. In a proceeding under



Article 226 of the Constitution of India, this Court normally does not sit over the decision of the expert in the matter of re-evaluation of the answer-sheets.

This writ application lacks merit which is, accordingly, dismissed.

(Chakradhari Sharan Singh, J)

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