

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7087 of 2018

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Abhishek Kumar Verma, Son of Ram Naresh Verma, Resident of Village & P.O.-Durg Matihania, P.S.-Bishambharpur, District-Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Health Department, Govt. of Bihar, Patna.
2. The Vice Chancellor, Arya Bhatta Knowledge University, Patna, CNLU Campus, Mithapur, Patna.
3. The Registrar, Arya Bhatta Knowledge University, Patna. CNLU Campus, Mithapur, Patna.
4. The Controller of Examination, Arya Bhatta Knowledge University Patna. CNLU Campus, Mithapur, Patna.
5. The Principal, S.K. Medical College, Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Raghav Prasad
For the Respondent/s : Mr. Rajeshwar Singh- Ga10

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

3 15-05-2018 This writ application has been filed, seeking following relief:-

“1. That this is an application on behalf of petitioner for issuance of a writ of mandamus directing the respondent University to re-evaluate the Anatomy Theory Paper-2 of the petitioner because petitioner had done very well in that paper but the respondent University under vindictive attitude with the petitioner has deliberately given number less than the pass mark in the Anatomy Theory Paper-2 so that the petitioner may fail because petitioner had earlier come to this Hon’ble court in CWJC No.



17950 of 2017 against the order of punishment inflicted upon the petitioner for allegedly adopting unfair means in 1st Professional MBBS Theory Exam 2017, which was allowed in favour of petitioner against which the university went in appeal vide LPA No. 91 of 2018 which was also dismissed and then after dismissal of the appeal the university has published the result of petition in which in Anatomy Theory Paper-2 petitioner has been given two number less than the pass mark AND in alternative petitioner prays for a direction upon the University to hold a Supplementary Examination for the petitioner and petitioner further prays for issuance of any other writ/writs, order/orders, direction/directions which the Hon'ble Court may deem fit and proper.”

My attention has been drawn to the answer sheet of the petitioner of the subject concerned, which has been brought on record by way of Annexure-2 to the supplementary affidavit, particularly, with reference to answers to the question nos. 2(e) and 2(d).

Learned counsel for the petitioner submits that the petitioner has been awarded only 0.5 marks each for the said two answers, which is apparently not correct. He also submits



that it is evident from the length of the answers to be given in the answer sheet that the evaluation done in respect of two questions is not at all tenable. Length of answer to a question cannot determine the marks which an examinee would deserve. The correctness of the answer would certainly be the determinative factor. Whether, an answer is correct or not is within the exclusive domain of the experts appointed as evaluator. The Court cannot go into correctness of such decision taken by expert unless any gross case is made out.

This Court sitting in writ jurisdiction under Article 226 of the Constitution of India, cannot entertain the plea which has been raised in the present writ application.

I, do not find any merit in this writ application.

This writ application is, accordingly, dismissed.

(Chakradhari Sharan Singh, J)

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