

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.04.2018

CORAM

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.5577 of 2018 and

W.M.P.No. 6900 of 2018

Auoparajna Pal

... Petitioner

Vs

1 Jawaharlal Institute of Post
Graduate Medical Education & Research
(JIPMER) Puducherry-605 006 Rep. by its
Director.

2 Professor(Examinations)
Jawaharlal Institute of Post Graduate
Medical Education & Research (JIPMER)
Puducherry-605 006.

3 Dean (Academic)
Jawaharlal Institute of Post Graduate
Medical Education & Research (JIPMER)
Puducherry-605 006.

4 Registrar (Academic)
Jawaharlal Institute of Post Graduate
Medical Education & Research (JIPMER)
Puducherry-605 006.

5 Dr.Ramesh
Professor & Head of Dept(Ophthalmology)
Jawaharlal Institute of Post Graduate
Medical Education & Research (JIPMER)
Puducherry-605 006.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the
Constitution of India praying to issue Writ of mandamus
directing the respondents 1 to 4 to revalue answer paper
bearing Register No.11411031 pertaining to ophthalmology held
in December 2017.

For Petitioner : Mr.Selvaraj, SC
for Ms.D.Jayasingh

For R1 to 4 : Mr.M.T.Arunan

ORDER

The petitioner has come forwarded with the present writ
petition to revalue the answer paper bearing Register
No.11411031 pertaining to Ophthalmology held in December 2017.
According to the petitioner, she is one among the meritorious
students, who had been selected for MBBS Course in Jipmer.
She had also completed her I & II year MBBS examinations and
appeared for the final year part I examination during the

December 2017. Out of the three papers in which she appeared, she failed in one subject i.e., Ophthalmology. As she had performed well in the said subject also, she had opted for photo copy of the answer sheet. The second respondent gave permissions to the parents of the petitioner to peruse the valued answer script. On a perusal of the answer script of the Ophthalmology papers, as the petitioner's father is a Dean of JIPMER, Karaikal and Nodal Officer to Ministry, he found that great injustice had been caused to his daughter while awarding marks. According to the petitioner, due to prior enmity between her father and the 5th respondent herein, the fifth respondent purposely awarded lower marks to her. In order to take vengeance against her father, the fifth respondent has made her to fail in one subject and that being a meritorious student, her future will be in dark. According to her, proper valuation has not been done to her papers more particularly, in Ophthalmology subject and thus, she has approached this Court for the aforesaid relief.

2. Learned counsel appearing for the petitioner drew the attention of this Court to the reply letter furnished by the CPIO, Exam Wing, Jipmer, under the Right to Information Act, 2005, wherein it has been stated that as a policy of JIPMER, the exam wing will not provide any photocopy of exam materials to any candidate, however, the parents of the candidate were permitted to inspect the evaluated answer scripts with the prior appointment from the Professor (Examinations).

3. The respondents have filed a counter affidavit wherein, it has been stated that as per sub section (5) of Section 10 of JIPMER Act, 2008, the institute may constitute as many standing committees and as many adhoc committees as it thinks fit for exercising any power or discharging any function of the Institute or for inquiring into, or reporting or advising upon any matter which the Institute may refer to them. As per Section 7 of JIPMER Rules, 2008, the Institute may constitute a Standing Academic Committee for taking policy decisions in academic affairs. As per sub section (3) of Section 24 of JIPMER Regulations, 2008, the Standing Academic Committee will take policy decisions in academic affairs. This Standing Academic Committee is empowered to consider all matters relating to the policy and administration of the academic affairs of the Institute. It is further stated that the institute is not under the control of MCI and MCI Rules will not be applicable to the institute which are governed by the JIPMER Act, 2008. It is stated that the petitioner has passed the practical examination of Ophthalmology by securing 56 marks out of 80, but failed in theory examination of Ophthalmology subject by securing 50 out of 120 (including Internal Assessment (maximum marks of 40)). It is further averred that the theory paper of Ophthalmology were provided to the examiners by marking dummy numbers in the answer scripts and the same was evaluated by them. This was followed to avoid identification of a particular student's

answer script by the examiners. In all, 145 students had appeared in theory examination in the subject of Ophthalmology and all the papers were given the dummy numbers and after evaluation, the dummy numbers had been decoded and the marks were entered in the system for computing. It is further averred in the counter that totally 145 students have appeared in the Ophthalmology and 123 students have passed in the same and the remaining 22 students failed and the petitioner is one among those 22 students. Hence, the awarding of marks is only based on the performances in the answer scripts. Further, the Ophthalmology theory paper of the petitioner had been evaluated by two persons i.e., Section A had been evaluated by Dr.Ramesh Babu, who had awarded 11 marks out of 40 and Section B had been evaluated by Dr.Namitha Bhuvaneswari, and she had awarded 16 marks out of 40. Hence, according to the respondents, the allegation of injustice had not been committed at any point of time and when the answer scripts were given dummy numbers for evaluation, there is no scope that the fifth respondent had taken vengeance against the petitioner. Therefore, the allegation leveled against the respondents is without any basis and the writ petition deserves to be dismissed.

4.Heard the learned counsel on either side and perused the materials placed before this Court.

5. The facts in this case are not disputed and the petitioner is a student of JIMPER and that she had failed in Ophthalmology in the final year examination. However, there were allegations against the fifth respondent that on account of prior enmity between the petitioner's father and the fifth respondent, the low marks were awarded and the petitioner was made to fail in the said subject. That apart, there is no provision for re-valuation in the curriculum. Further more, when the dummy numbers were allotted and when two different persons have evaluated the papers, i.e., Section A and Section B and the marks were awarded as 11 and 16 out of 40 in each paper. In the absence of any specific Rule, since there is no ground to direct for revaluation of the answer script, this Court is of the view that the relief sought for by the petitioner cannot be granted. It is open to the petitioner to take up the subsequent examination and clear the arrears.

6.In view of the aforesaid findings, this writ petition is devoid of merits and the same is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(Audit)

//True Copy//

Sub Assistant Registrar

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To

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Medical Education & Research (JIPMER)
Puducherry-605 006.

+1cc to Mr.D.Jayasingh, Advocate Sr.NO.25105
+1cc to Mr.M.T.Arunan, Advocate Sr.No.24998

PA(CO)
sm:7.5.2018

W.P.No.5577 of 2018

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