

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.04.2018

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.7963 of 2018

Janani.S.

.. Petitioner

Vs.

1. Pondicherry University represented
by its Controller of Examinations,
R.V.Nagar, Kalapet,
Puducherry-605 014.
 2. The Director/The Principal,
Indira Gandhi Medical College and Research Institute,
Kadiringam,Puducherry-605 001.
 3. The Medical Council of India,
Represented by its Secretary,
M.C.I. Building - Phase-I,
Pocket-14, Sector-8, Dwarka,
New Delhi-110 077.
- .. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the respondents revalue the answer paper in respect of the Ophthalmology Theory Paper of Part I of III M.B.B.S., November 2017 examinations in Register No.13770648 of the petitioner and consequently to direct the respondents 1 and 2 to revalue the marks as that of the petitioner.

For Petitioner : Mr.Kamala Kumar
For Respondents : Mrs.A.V.Bharathi for R-1

ORDER

The petitioner has come forward with the above Writ Petition praying for issuance of a Writ of Mandamus to direct the respondents revalue the answer paper in respect of the Ophthalmology Theory Paper of Part I of III M.B.B.S., November 2017 examinations in Register No.13770648 of the petitioner and consequently to direct the respondents 1 and 2 to revalue the marks as that of the petitioner.

2. According to the petitioner, she has scored 1020/1200 in the Higher Secondary Examination conducted in the academic year

2012-2013 and in the meritorious sports persons quota, she was allotted MBBS seat in the second respondent-institution and she joined the course from the academic year 2013-14 and now in the III MBBS (Part-III).

3. While so, it is the grievance of the petitioner that insofar as the Pathology paper is concerned, it is declared that she had scored 40 out of 80 in the University written examination. It is the further grievance of the petitioner that the respondents are refusing to revalue the paper and no such application or representation is even entertained by the respondents stating that there is a rule only for re-totalling and not for re-valuation. The Academic Committee of the first respondent and also the Professors of the second respondent have not considered the aspect of scoring of less marks. Hence, the petitioner has filed the present Writ Petition for the relief stated supra.

4. Learned counsel for the first respondent contended that the awarding of marks is only based on the performance of the student in the answer script. Further, there is no provision in the Rule of the University for revaluation of the answer script.

5. Heard both sides and perused the materials available on record.

6. It is not in dispute that the petitioner scored 40 out of 80 in the University Written examination in Pathology subject. It is stated by the learned counsel for the first respondent that there is no provision for re-valuation in the curriculum as per the Rules of the University. Further, as stated by the petitioner, the respondents stated that there is a rule only for re-totalling and not for re-valuation of answer sheet of a candidate and hence, it appears that the Academic Committee of the first respondent and also the Professors of the second respondent have also rightly not considered the aspect of scoring of less marks.

7. In view of what is stated above and in the absence of any specific Rule to direct for revaluation of the answer script, this Court is of the considered view that the relief sought for by the petitioner cannot be granted. The above discussed stand of the respondents on the issue is justified and hence, the writ petition is devoid of merits and the same is dismissed. No costs. It is open to the petitioner to take up the subsequent examination and clear the arrears.

Sd/-

Assistant Registrar(CS IX)

//True copy//

Sub Assistant Registrar

CS

To

1. Pondicherry University represented
by its Controller of Examinations,
R.V.Nagar, Kalapet,
Puducherry-605 014.
2. The Director/The Principal,
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M.C.I. Building - Phase-I,
Pocket-14, Sector-8, Dwarka,
New Delhi-110 077.

+1cc to Mr.R.Saravanan, Advocate SR.No.25241
+1cc to Mr.A.V.Bharathi, Advocate SR.No.25073

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EV(CO)
GN(26/04/2018)



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